

**Report No. 56781-LAC**

# **Crime and Violence in Central America**

## **Volume II**

**September 2010**

The Central America Unit  
Poverty Reduction and Economic Management Unit  
Latin America and the Caribbean Region



**Document of the World Bank**

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## ABBREVIATIONS AND ACRONYMS

AEDPA	Anti-Terrorism and Effective Death Penalty Act
ADR	Alternative Dispute Resolution
APREDE	Association for the Prevention of Delinquency/ <i>Asociación para la Prevención del Delito</i>
CAMR	Center for Attention for Returned Migrant
CASAC	Central American Small Arms Control Programme
CEPEJ	European Commission for the Efficiency of Justice
CICAD	Inter-American Drug Abuse Control Commission
CICIG	International Commission Against Impunity of Guatemala
COFAMA	Committee of the Relatives of Massacre Victims of El Porvenir
CONAPAZ	National Commission for the Prevention of Violence and Promotion of Social Peace/ <i>Comisión Nacional para la Prevención de la Violencia y la Promoción de la Paz Social</i>
CPC	Criminal Procedure Code
CPTED	Crime Prevention through Environmental Design
CIFTA	Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Material
CNSP	National Council for Public Security/ <i>Comité Nacional para la Seguridad Pública</i>
CCT	Conditional Cash Transfers
CTS	United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems
DALY	Disability-Adjusted Life Years Lost
DDR	Disarmament, Demobilization and Reintegration
DHS	Demographic and Health Service
ECD	Early Childhood Development
ENCOVI	National Survey of Living Conditions/ <i>Encuesta Nacional de Condiciones de Vida</i>
GIS	Geographical Information Systems
IADB	Inter-American Development Bank
ICD	Costa Rican Drug Institute/ <i>Instituto Costarricense sobre Drogas</i>
ICVS	International Crime Victims Survey
IIRIRA	Illegal Immigration Reform and Responsibility Act
INACIF	National Forensic Sciences Institute of Guatemala/ <i>Instituto Nacional de Ciencias Forensicas de Guatemala</i>
INCAE	Central American Institute for Business Administration/ <i>Instituto Centroamericano para la Administración de Empresas</i>
INCSR	International Narcotics Control Strategy Reports
INEC	National Institute of Statistics and Census/ <i>Instituto Nacional de Estadística y Censo</i>
JSCA	Justice Studies Center for the Americas
MINJUMNFA	National Directorate for Children/ <i>Dirección Nacional de Niñez</i>
MS13	Mara Salvatrucha
LAPOP	Latin American Public Opinion Project
OAS	Organization of American States
OCAVI	Central American Observatory for Violence/ <i>Observatorio Centroamericano</i>

	<i>sobre Violencia</i>
OECD	Organization for Economic and Co-operation for Development
PAHO	Pan American Health Organization
PNC	National Civil Police of Guatemala/ <i>Policía Nacional Civil de Guatemala</i>
PNUD	United Nations Development Programme
PROSI	Panama's Comprehensive Security Program/ <i>Programa de Seguridad Integral</i>
SALW	Small Arms and Light Weapons
SEDLAC	Socio-Economic Database for Latin America and the Caribbean
SICA	Central American Integration System/ <i>Sistema de Integración Centroamericana</i>
SICOM	Integrated Computer Services
SIPOL	Software Police Intelligence Service
UNODC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WHO	World Health Organization

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## TABLE OF CONTENTS

### ACKNOWLEDGEMENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>i</b>
--------------------------------	----------

<b>CHAPTER 1 LEVELS, TRENDS, AND DRIVERS OF CRIME AND VIOLENCE IN CENTRAL AMERICA .....</b>	<b>1</b>
---	----------

1.1 HOMICIDE .....	2
1.2 ARMED ROBBERY .....	5
1.3 ASSAULT.....	5
1.4 KIDNAPPING .....	5
1.5 BURGLARY.....	6
1.6 OVERALL CRIME VICTIMIZATION AND PERCEPTIONS OF INSECURITY .....	6
1.7 VIOLENCE AGAINST WOMEN.....	14
1.8 DRIVERS OF HOMICIDE .....	16
1.9 CONCLUSIONS.....	22

<b>CHAPTER 2 THE COSTS OF CRIME AND VIOLENCE IN CENTRAL AMERICA.....</b>	<b>24</b>
--	-----------

2.1 THREAT TO SOCIETAL WELL-BEING AND DEMOCRATIC STABILITY .....	25
2.2 THE IMPACT OF CRIME VICTIMIZATION ON ATTITUDES TOWARDS CRIMINAL JUSTICE .....	26
2.3 ECONOMIC VALUE OF DISABILITY-ADJUSTED LIFE YEARS LOST .....	27
2.4 EFFECT ON TOURISM.....	28
2.5 EFFECTS ON THE INVESTMENT CLIMATE.....	28
2.6 OVERALL COSTS MEASURED WITH THE ACCOUNTING APPROACH .....	30
2.7 EFFECTS ON ECONOMIC GROWTH.....	32
2.8 CONCLUSIONS.....	33

<b>CHAPTER 3 DRUGS AND VIOLENCE IN CENTRAL AMERICA .....</b>	<b>35</b>
--	-----------

3.1 LEVELS AND PATTERNS OF DRUG TRAFFICKING.....	35
3.2 ECONOMICS AND STRUCTURE OF THE DRUG TRADE IN CENTRAL AMERICA.....	36
3.3 CORRUPTION ASSOCIATED WITH DRUG TRAFFICKING.....	38
3.4 DRUG USE IN CENTRAL AMERICA .....	41
3.5 THE LINK BETWEEN DRUG TRAFFICKING AND VIOLENCE .....	43
3.6 POSSIBILITIES FOR DRUG POLICY REFORM .....	47
3.7 CONCLUSIONS.....	49

<b>CHAPTER 4 YOUTH VIOLENCE AND GANGS.....</b>	<b>51</b>
--	-----------

4.1 SCOPE OF YOUTH VIOLENCE IN CENTRAL AMERICA .....	51
4.2 CENTRAL AMERICAN RISK FACTORS FOR YOUTH VIOLENCE .....	53
4.3 GANGS AND THEIR CONTRIBUTION TO YOUTH VIOLENCE.....	60
4.4 POLICIES FOR ADDRESSING YOUTH AND GANG VIOLENCE .....	66

<b>CHAPTER 5 SMALL ARMS IN CENTRAL AMERICA .....</b>	<b>73</b>
--	-----------

5.1 THE ARMS TRADE.....	73
5.2 GUNS AND HOMICIDE .....	75
5.3 INTERNATIONAL AND NATIONAL ARMS CONTROL INITIATIVES.....	76
5.4 ARMS REDUCTION POLICY: .....	81
5.5 CONCLUSION .....	85

<b>CHAPTER 6 CRIMINAL JUSTICE INSTITUTIONS .....</b>	<b>86</b>
--	-----------

6.1 RECENT TRENDS IN CRIMINAL JUSTICE REFORMS .....	87
6.2 CITIZEN PERCEPTIONS OF CRIMINAL JUSTICE INSTITUTIONS .....	89
6.3 PERFORMANCE OF CRIMINAL JUSTICE INSTITUTIONS OTHER THAN POLICE FORCES .....	91
6.4 PERFORMANCE OF THE POLICE FORCES .....	101
6.5 ACCESS TO CRIMINAL JUSTICE INSTITUTIONS.....	103
6.6 ALTERNATIVE DISPUTE RESOLUTION (ADR) MECHANISMS.....	107

6.7 CONCLUSIONS AND RECOMMENDATIONS .....	109
<b>CHAPTER 7 PUBLIC POLICY FOR REDUCING CRIME AND VIOLENCE .....</b>	<b>114</b>
7.1 SECTORAL AND CROSS-SECTORAL APPROACHES .....	114
7.2 SECTOR-SPECIFIC APPROACHES .....	114
7.3 CROSS-SECTORAL APPROACHES.....	116
7.4 REGIONAL INITIATIVES TO ADDRESS CRIME AND VIOLENCE .....	120
7.5 PRIORITY STEPS TO ACHIEVE REDUCTION IN CRIME AND VIOLENCE IN CENTRAL AMERICA .....	121
7.6 RECOMMENDATIONS AT THE NATIONAL LEVEL.....	123
7.7 RECOMMENDATIONS AT THE REGIONAL LEVEL.....	124
7.8 FINAL CONSIDERATIONS .....	125
<b>ANNEXES.....</b>	<b>126</b>
<b>REFERENCES.....</b>	<b>151</b>

## ACKNOWLEDGEMENTS

This report was produced by a team at the World Bank led by Bernice van Bronkhorst (LCSUW) and Gabriel Demombynes (LCSP). The crime levels and trends chapter was prepared by Mr. Demombynes and Facundo Cuevas (LCSP). The crime costs chapter was prepared by Mr. Demombynes. The chapter on drug trafficking was prepared by Mr. Demombynes, based in part on a background paper by Jeffrey Miron (Harvard University). The chapter on youth violence and gangs was prepared by Lorena Cohan (LCSUW) based in part on a background paper by Tom Boerman and Lainie Reisman (Washington Office on Latin America). The chapter on gun violence was prepared by Ms. van Bronkhorst based in part on a background paper authored by Robert Muggah and Chris Stevenson (Small Arms Survey, Geneva). The chapter on criminal justice was prepared by David Varela (LCSP) and Milena Sanchez de Boado (LCSP) based in part on a background paper written with Tirza Rivera-Cira and research on public expenditures conducted by Lars Christian Moller (LCSPE). The criminal justice chapter benefitted greatly from suggestions provided by Nick Manning (LSPCS), Robert Buergethal (LEGJR), Heike Gramckow (LEGJR), Linn Hambergren (consultant) and Karyn Kenny (LCSP). The policy chapter was written by Ms. van Bronkhorst. Substantial inputs for the first three chapters were provided by Diana Hincapie (LCSP) and Abby Cordova Guillen (Vanderbilt University). The team is grateful to suggestions and background material provided by Wendy Cunningham (HDNCV), Pablo Fajnzylber (LCRCE), and Rodrigo Serrano-Berthet (LCSSO). The team also benefitted from the excellent assistance of Anne Pillay (LCSP) in the preparation of the final report.

The team would also like to thank many individuals who offered guidance on the report proposal, provided data to the team and/or reviewed draft chapters, including the following:

Costa Rica: Luis Figueroa (INCAE), Participants in the Foro Nacional sobre Seguridad Ciudadana, May 22, 2008; El Salvador: Jeanette Aguilar (Instituto Universitario de Opinión Pública, Universidad Centroamérica), Edgard Amaya (Fundación de Estudios para la Aplicación de Derecho), Jose Miguel Cruz (Universidad Centroamérica and Vanderbilt University), Dr. Fabio Molina (Instituto de Medicina Legal), Rafael Pleitez (Fundación Salvadoreña para el Desarrollo Económico y Social), Leslie Quiñónez (Fundación Guillermo Manuel Ungo); Guatemala: Clara Arenas (Asociación Para el Avance de las Ciencias Sociales en Guatemala), Emilio Goubaud (Alianza para la Prevención del Delito), Claudia Herrera (Ministerio de Gobernación), Jorge Lavarreda (Centro de Investigaciones Económicas Nacionales), Juan Pablo Pica (Asociación de Investigación y Estudios Sociales) Leslie Sequeira (Instituto de Enseñanza para el Desarrollo Sostenible), Karla Villagrán (Procuraduría de los Derechos Humanos); Honduras: Benjamin Bográn Evelyn Bautista (Consejo Hondureño de la Empresa Privada), Carlos Bueso (Cámara de Comercio de Industrias de Tegucigalpa), Perla Casco (Asociación de Muchachas Guías), Julieta Castellanos (United Nations Development Program), Leslie Gamero (Fondo Hondureño de Inversión Social), Carlos Ortega (Corte Suprema, Centro Electrónico de Documentación e Información Judicial), Sally O'Neill (Trocaire); Nicaragua: Francisco Bautista (United Nations Development Program), Eduardo Cuadra Ferrey, Elvira Cuadra Lira (CINCO), Patricia Delgado, Claudia Paniagua (Fundación Nic Nuestra), Cory Quintanilla (INJURE), Edmundo Quintanilla (Inter-american Development Bank), Miguel Barreiro (CASAC), Javier Meléndez (IEEPP), Eva Sacasa (CASAC), Veronica Acevedo (Instituto de Medicina Legal), Mónica Zalaquett (Centro Prevención de la Violencia); Panama: Sonia Abelez (Organo Judicial), Javier Conde (Cruz Roja Española), Leopoldo Lester Caballero (Ministerio de Gobierno y Justicia), Ricardo Mejía and Claudio Fernandez (Ministerio de Desarrollo Social), Dimas Quiel, Carlos Vega, and Judith Rivera (Dirección de Estadística y Censo), Aida Selles de Palacio (Universidad de Panama); United States: Peter Reuter (University of Maryland); Linn Hambergren; and Heike Meinhardt (LEGJR).

This task was guided and supervised by Guang Chen (Sector Manager, LCSUW) and Jaime Saveedra (Sector Manager, LCSPP). The peer reviewers were Andrew Morrison (PRMGE), Norman Loayza (DECRG), and Alexandre Marc (SDV).

## EXECUTIVE SUMMARY

Central America’s hopes for a rebirth following the resolution of the region’s civil wars have been marred by the torrent of violence which has engulfed El Salvador, Honduras, and Guatemala and begun to threaten Nicaragua, Costa Rica, and Panama. In addition to the pain and suffering experienced by victims, crime and violence exacts high costs, diverting investment, reducing economic growth, and undermining confidence in the region’s fragile democracies. Among the key drivers of crime and violence in the region are **drug trafficking, youth violence and gangs, the widespread availability of guns, and weak criminal justice institutions.**<sup>1</sup> Proven **evidence-based prevention measures** coupled with **criminal justice reform** can reduce crime and violence.

Key messages and recommendations from the report include the following:

- 1) Crime and violence should be understood as a **development issue**. The high rates of crime and violence in the region have direct effects on human welfare in the short-run and long-run effects on economic growth and social development. Estimates of the effect on violence on growth imply that reducing crime could substantially boost growth in El Salvador, Guatemala, and Honduras.
- 2) The strongest single explanation for the high rates of violence in the region—and their apparent rise in recent years—is **drug trafficking**, principally the transport of cocaine from producer nations in the south to the consumer market in the United States. The drug trade contributes to the widespread availability of firearms, generates violence within and between drug cartels, and spurs further lawlessness by undermining criminal justice institutions. Controlling for other factors, areas with intense levels of drug trafficking in Central America have homicide rates 65 percent higher than other areas in the same country. Murder rates are also higher in areas with greater shares of female-headed households and larger populations of young men. Overall crime victimization rates are at their most extreme in the region’s capitals and other large cities.
- 3) The countries of the region have under-invested in prevention approaches which have proven effective in reducing crime and violence elsewhere. A **public expenditure analysis on crime and violence prevention** undertaken for this study in Costa Rica, Nicaragua, and Panama shows that spending has been modest for crime prevention measures. **Crime prevention through environmental design and urban renewal** programs can generate rapid decreases in property crime and inter-personal violence. **Integrated citizen security approaches**, combining modern methods of policing with prevention interventions by both government and non-governmental organizations, have seen initial success in El Salvador and should be tried elsewhere. The **public health approach**, which focuses on addressing risk factors for violent conduct, is especially promising for addressing violence against women and youth violence.
- 4) The criminal justice systems of several countries in the region have been deeply corrupted by drug trafficking, enabling traffickers to take advantage of existing institutional weaknesses, and the *mano dura* (“iron fist”) approach has proven largely ineffective and possibly counterproductive. In some countries, the police have largely lost the trust of citizens; nearly half of Salvadorans and Hondurans and 2 out of 3 Guatemalans believe their local police are involved in crime. Clearly, improving criminal justice systems is essential. This includes reforming the judiciary, attorneys general offices, and police forces. An especially urgent priority is ensuring **strong accountability of the criminal justice system to citizens**. This should be done through an inter-institutional approach, focusing on transparent selection, promotion, and sanctioning mechanisms. The **optimization of court administration and case management** with internal processes reengineering—such as **the development of management information systems and**

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<sup>1</sup> See Box 6.1 for an explanation of weak justice institutions as a “driver” of crime.

**performance indicators**—provide important mechanisms to better diagnosis problems, track system outputs, monitor reform programs, and rationalize resources.

- 5) There are **multiple possible entry points to integrate violence and crime prevention into policy**. In one instance, the most promising approach may be in the context of a slum upgrading or municipal development project. In another, it may be in the context of reform of the health service. In a third, it may be in the context of reform of the criminal justice system. There is no one “ideal” approach. The common denominator is that successful interventions are **evidence-based**, starting with a clear diagnostic of types of violence and risk factors and ending with a careful evaluation of the intervention’s impact to inform future actions.
- 6) Drug trafficking poses a major challenge to Central American governments. The experiences of Mexico and Colombia, economic theory, and the historical record in the United States all suggest that an escalation of interdiction efforts—at any scale the Central American governments could mount, even with assistance from abroad—would most likely increase levels of violence without diminishing the capacities of drug traffickers. Consequently, **marginal funds are more likely to reduce violence if devoted to crime prevention efforts and criminal justice reforms**.
- 7) **Gun ownership** is an outgrowth of the drug trade and the history of civil conflict in some countries. Within these environments, which promote the demand for weapons, reducing gun ownership is a difficult undertaking. Regional and international evidence shows that the **implementation and enforcement of firearms legislation**, such as a ban on carrying firearms, **combined with supply-side measures**, such as controlling secondary firearms markets, are the most promising to reduce availability of firearms and reduce armed violence. National firearms policies are unlikely to reduce the availability of weapons unless they are undertaken as part of a **regional approach with international efforts to stem the flow of contraband weapons from abroad**, particularly Mexico and the United States.
- 8) The victims and perpetrators of violent crime are largely young men. In Central America as in the rest of the world, men age 15-34 account for the overwhelming majority of homicide victims, and they also comprise the membership of **youth gangs**. While gangs are doubtless a major contributor to crime in El Salvador, Guatemala, and Honduras, the very limited evidence indicates they are responsible for only a minority share of violence; multiple sources suggest perhaps 15 percent of homicides are gang-related. To address issues of **youth violence**, policy makers in the short run should borrow from the **evidence-based toolkit of programs** from other regions, such as early childhood development and mentoring programs, interventions to increase retention of high-risk youth in secondary schools, and opening schools after-hours and on weekends to offer youth activities to occupy their free time. While many programs to reduce youth violence have been introduced in the region, few if any have been subject to rigorous impact evaluation. Impact evaluations should systematically document what works in youth violence prevention in Central America.
- 9) Major **data gaps hinder policy making**. Several countries of the region have made substantial progress in recent years in improving their mechanisms for recording crime, particularly homicides. Such efforts should be continued and paired with expanded use of crime information systems, which experience in other areas has shown can be a valuable tool to direct criminal justice efforts.

## **ROAD MAP OF THE REPORT**

The first two chapters present an overview of crime in the region, an original quantitative analysis of the main determinants of violence, and a discussion of the costs of crime. A series of subsequent chapters focus on three key drivers of crime and violence (drug trafficking, youth gangs, guns), and a critical

contributing factor (weak criminal justice systems). These specific issues were selected in consultation with stakeholders in the region to ensure that the report was responding to their demands and needs. The report ends with a chapter on public policy responses to crime in the region.

### Overview of Crime Trends

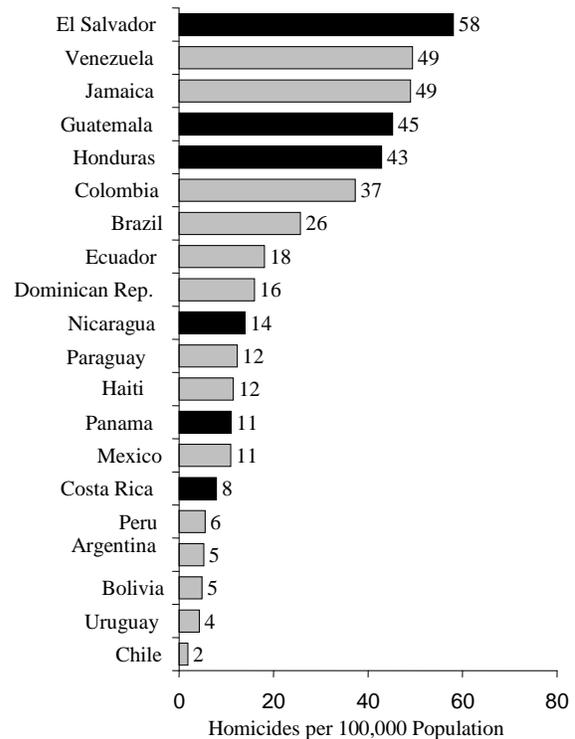
Violence has reached extreme levels in the three Northern Triangle countries of El Salvador, Guatemala, and Honduras and is of growing concern in Costa Rica, Nicaragua, and Panama.

Central American homicide rates also exhibit a rising trend. In Guatemala murder rates have almost doubled since 1999. Homicides appear to have intensified in El Salvador and Honduras (although this may be in part a consequence of the improvement in methodology for collecting statistics.) Homicide rates in Nicaragua, Panama, and Costa Rica, while substantially lower, have increased at an average pace of 5 to 10 percent per year. The World Health Organization stipulates that a country with a homicide rate above the threshold of 10 is suffering a violence epidemic. Five of the six Central American countries are above this threshold.

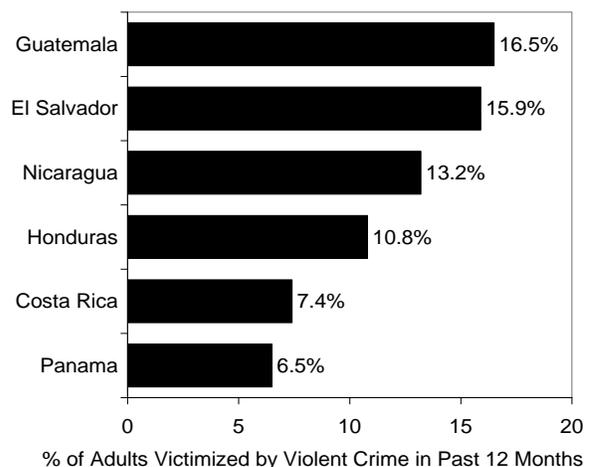
Some sense of the scale of the level of violence in the region can be found from international comparisons. The total population of Central America, 40 million, is approximately equal to that of Spain, where there were 336 murders in 2006. In stark contrast, there were 14,257 murders in Central America in the same year.

Murder is most prevalent in areas within countries with high intensity of drug trafficking. Homicide rates are also higher in areas with a greater population share of young men and many female-headed households. Murder rates are not, however, higher in areas that were ravaged by the region's civil war and armed conflict in recent decades. The patterns of homicide within country vary considerably by country. In Guatemala, homicides are highest around the capital, with high rates also in the sparsely populated Petén region in the north. In Honduras, rates are highest along the Atlantic coast, the area around Tegucigalpa, and the Guatemalan border. In the remaining countries, homicides tend to be higher on the Atlantic coast.

### Homicide Rates in Latin America and the Caribbean (c. 2006)

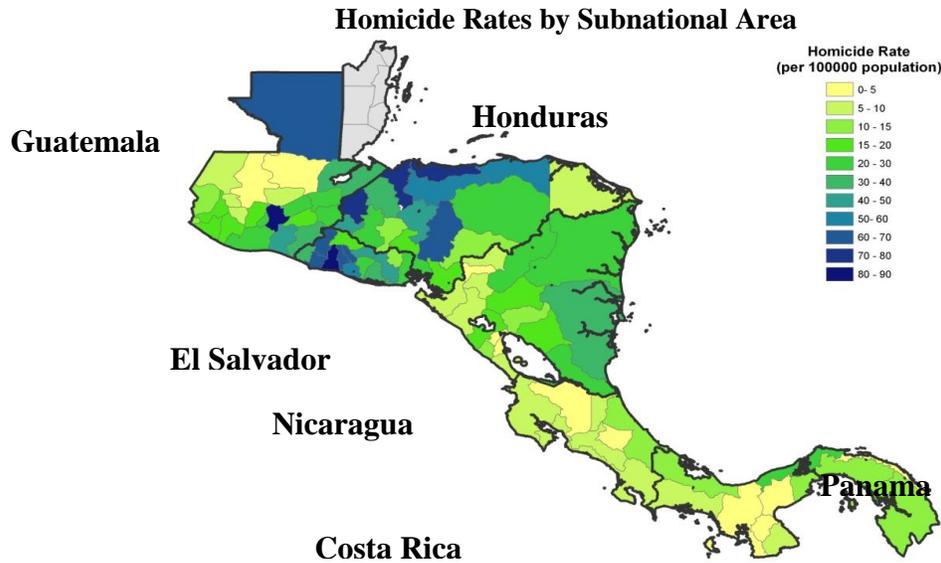


### Violent Crime Victimization Rates



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

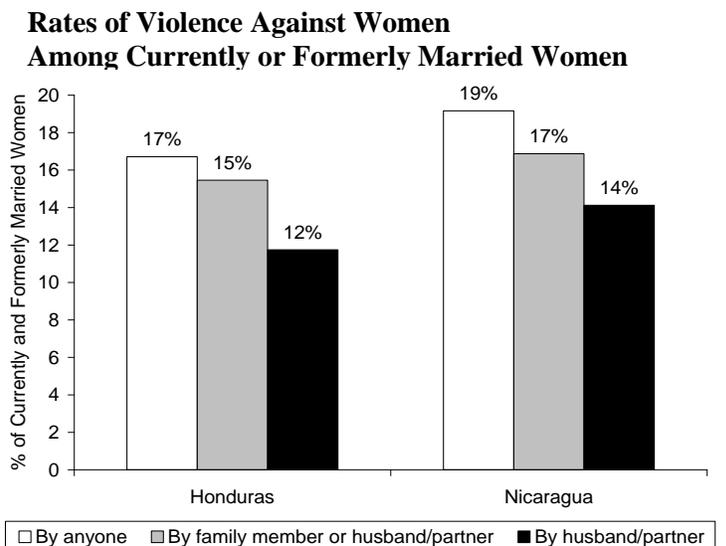
For Central American countries, data is also available on the percentage who were victimized in 2008 by a *violent crime*, defined to include the armed robbery, beating, injury with a weapon, sexual assault, or kidnapping of the respondent or the murder of someone in the household. Rates of violent victimization are extremely high in Guatemala and El Salvador—nearing 1 in 6 adults. Analysis from Guatemala and Costa Rica shows that overall victimization rates increase with income or consumption levels, in part because many of the poor live in rural areas, where crime rates are somewhat lower. Notably, victimization rates in rural areas across the region are essentially uniform at 10 percent, with the exception of Panama, which the rural rate is a low 5 percent. This means that the variation across countries in victimization at the national level is driven almost entirely by differences in urban areas.



Despite these grim statistics, rates of non-violent crime, overall victimization rates, and perceptions of insecurity are not particularly high in Central American countries relative to the rest of Latin America and the Caribbean. Even with recent increases in crime, Costa Rica, Nicaragua, and Panama rank among the safest countries in LAC in terms of citizens’ perceived levels of insecurity.

Violence against women is of particular concern. The challenges in evaluating information on violence against women are even more daunting than those for crime and violence data in general.

Many incidents of domestic violence go unreported to authorities, and in victimization surveys, women may be reluctant to acknowledge abuse by a partner or family member. The limited information on domestic violence suggests however that it is widespread and particularly likely to be experienced by women who witnessed violence in their own family and whose spouses abuse alcohol. In Honduras, 17 percent of ever-married women have experienced violence, 15 percent have suffered violence at the hands of a family member or spouse/partner, and 13 percent have been victimized by a spouse/partner. Figures



in each category are 2 percentage points higher in Nicaragua.

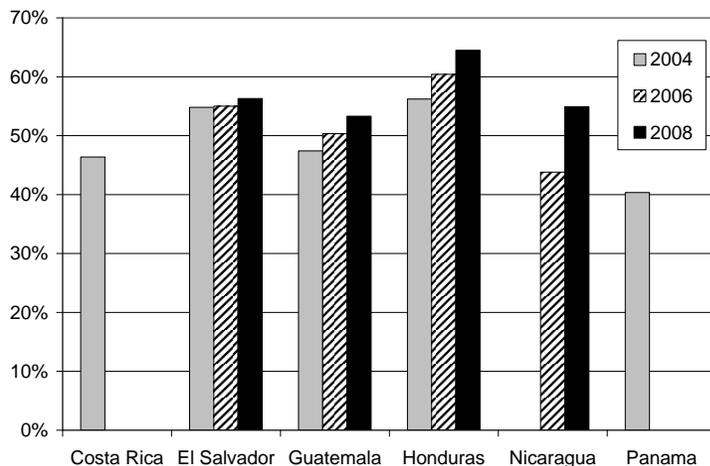
Key findings of a multivariate analysis of correlates of domestic violence are that: 1) Both age at marriage and a greater age difference between the woman and her partner are associated with lower levels of domestic violence; 2) A greater number of children and frequent heavy drinking by the partner are associated with higher levels of violence; 3) Women whose fathers beat their mothers are more likely to suffer violence as an adult, and; 4) Controlling for these other characteristics, rates of intimate partner violence are similar for all wealth groups.

### Costs and Effects of Crime

One way to gauge the overall threat of crime is to ask people for their subjective estimate of crime's danger. In 2008, across the six countries of Central America, 71 percent said that crime is "very much" a threat to society's well-being. This view is fairly constant across countries, irrespective of national crime levels.

In many countries of the region, democratic institutions are fragile. High crime rates can inspire selective nostalgia for the authoritarian past, potentially destabilizing these budding democracies. In 2008, across the six countries of Central America, an average of more than half of adults (53 percent) said a military coup would be justified when crime levels are high, with the percentages increasing in recent years in Guatemala, Honduras, and Nicaragua. Evidence also shows that crime victimization reduces trust in the criminal justice system, increases support for vigilantism, and fuels a belief that the authorities do not need to respect the law when pursuing criminals.

**Fraction of Adults Who Say a Military Coup Would Be Justified When Crime Levels are High**



One popular approach to considering the overall costs of violence has been to use the "accounting approach" which involves attaching a dollar value to several particular costs and summing them to get a total figure, which can then be expressed as a percentage of a country's GDP. One study suggests that the overall costs in economic terms sum to 7.7 percent of the region's GDP. Each year, security costs and losses due to crime cost businesses an amount equal to 3.7 percent of their sales. By another measure, the value of the lives lost and disability created by violence in the region comes to 1.2 percent of the region's GDP.

Another way to assess the aggregate effects is to estimate the impact of crime on overall economic growth using cross-country panel data. Because the estimates are based on data from across countries, they reflect an average relationship between crime and growth worldwide. Results suggest very large potential gains from reduction in violence for the countries in the region with the highest murder rates. The estimates imply that El Salvador could boost economic growth per capita by 1.0 percent and that Guatemala and Honduras could increase growth by 0.7 percent. Nicaragua and Panama would also benefit substantially, with potential growth rate increases of 0.3 percent. Because the estimated effects are on annual growth,

they are cumulative over time, suggesting that over the long term the impact of crime reduction on welfare would be very high.

Rising crime, however, is unlikely to reduce the region’s growing tourism industry; available evidence from a worldwide study suggests that non-political violence does not reduce tourism.

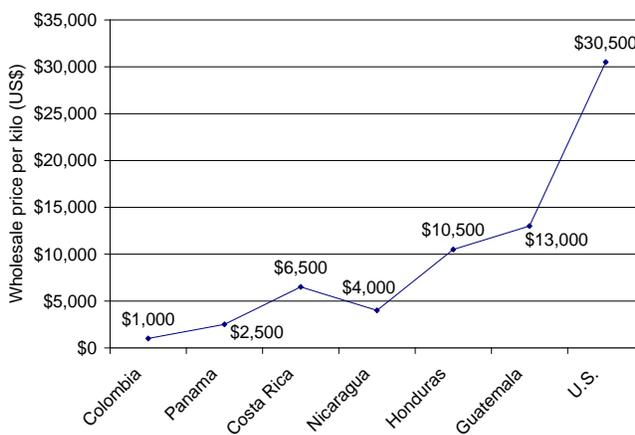
## Drug Trafficking

Central America is the central transportation route for drugs bound for the United States. Ninety percent of the cocaine that enters the U.S., approximately 560 metric tons in 2007, were shipped through the Mexico-Central America Corridor. Evidence suggests that few Central Americans are involved at high levels in the drug trade, which is controlled by Colombian and Mexican cartels; just 0.8% of those convicted in U.S. federal courts for drug trafficking in 2006 were Central American.

The wholesale price of cocaine is approximately \$1000/kilo in Colombia, \$13,000 in Guatemala, and \$30,000 across the U.S. border. The value-added of the cocaine shipped from Colombia to Guatemala—based on best estimates of wholesale prices—is approximately \$7 billion.

Given these figures, the resources in the hands of traffickers are massive. The value-added of cocaine transiting the region is roughly 20 times Panama’s and Guatemala’s combined 2007 defense budget of \$364 million, and it is more than 100 times the \$65 million allocated by the United States under the Mérida Initiative to assist interdiction efforts by Central American nations.

**Price of Cocaine Along Atlantic Coast**



Corruption associated with the drug trade is very widespread. According to the International Narcotics Control Strategy Report (2008),

- in Nicaragua “corruption is a pervasive and continuing problem in law enforcement and the judiciary”;
- in Honduras, “drug trafficking and other organized crime activities are directed from the prisons and by current and former government and military officials”;
- in Panama “the use of bribery and coercion in the drug trade contribute to pervasive public corruption and undermines the ... criminal justice system”;
- in Guatemala, “there is corruption of some police, judges and other public officials, especially at the local level. This has been fostered and exploited by the narcotics traffickers.”

By anecdotal accounts, drug use is prevalent among certain populations and in areas where drug traffickers employ locals and pay them with drugs, but surveys of drug use among secondary school students—clearly a limited group not representative of the overall population—find very low levels of drug use.

Drug trafficking drives violence through a number of channels, which derive principally from the fact that because traffickers will never have access to legal mechanisms for dispute resolution, employee

management, and competition, they use bribery, extortion, and violence. It is most likely that the violence-drug connection in Central America is chiefly a result of 1) disputes between and within drug trafficking organizations, 2) the dysfunction of the criminal justice system due to drug-related corruption, and 3) the spread of guns. Past experience suggests that given the vast resources available to traffickers relative to the size of Central American budgets, directing increased resources to fighting trafficking is unlikely to reduce violence or decrease flows of narcotics.

There have been recent calls for a shift of drug policy from a law enforcement to a public health or harm reduction approach, most recently from the Latin American Commission on Drugs and Democracy, led by Ernesto Zedillo, Cesar Gaviria, and Henrique Cardoso.

### Youth Violence and Gangs

*Youth as Victims of Violence:* Youth are vulnerable to violence at home, on the street, within social welfare and juvenile justice facilities, in the labor market, and in the sex industry. Maltreatment assumes forms including (a) stigmatization and harassment; (b) psychological, physical, and sexual abuse; (c) social isolation and prolonged pre-trial detention; and (d) coercion, torture, and extrajudicial execution. Homicide victims in Central America are overwhelmingly men ages 15-34.

The situation in Central America today presents many risk factors typically associated with youth violence (poverty and inequality, youth unemployment and joblessness, migration, drug trafficking, low secondary school enrolment, availability of firearms), pointing for the need to address these issues as a way of preventing the future escalation of youth violence.

#### Estimates of Gang Membership by Country

Country	Gang Members	Number of Gangs
Honduras	36,000	112
Guatemala	14,000	434
El Salvador	10,500	4
Nicaragua	4,500	268
Costa Rica	2,660	6
Panama	1,385	94
Belize	100	2
Total	69,145	920

*Gangs as Perpetrators of Violence:* The estimated number of gang members in Central America ranges from 10,000 to 300,000, with the most commonly accepted estimates at around 70,000. They are chiefly in Honduras, El Salvador, and Guatemala. Estimates of the total proportion of contemporary regional violence attributable to gangs vary widely from 10 to 60 percent, as they have been blamed for crimes ranging from muggings, theft, intimidation, rape, assault, and drug dealing. Youth violence and

gangs are widely perceived as primary drivers of crime and violence in the region. Ascertaining the role of gangs is extremely difficult however, and where reliable information does exist, it casts doubt on the perception that youth gangs are responsible for the majority of crime and violence.

With few exceptions, there has been very limited empirical analysis of gangs. Reliable data related to the role of youth gangs in the narcotics trade are virtually non-existent. Nonetheless, there is a perception that gangs have become increasingly involved in drug trafficking and drug dealing over the past decade. It is believed that gangs serve as a local security apparatus of Mexican and Colombian cartels, or as small-time informal street vendors. Gangs do not appear to be involved in the large-scale movement of drugs, although some authors suggest that the leaders of local drug organizations are often ex-gang members who have “graduated.” It has also been suggested that involvement in drug trafficking has made gangs more violent.

Various qualitative studies of Central American gangs suggest that they are mainly involved in small-scale, localized crime and delinquency, such as petty theft and muggings. *Maras* in El Salvador,

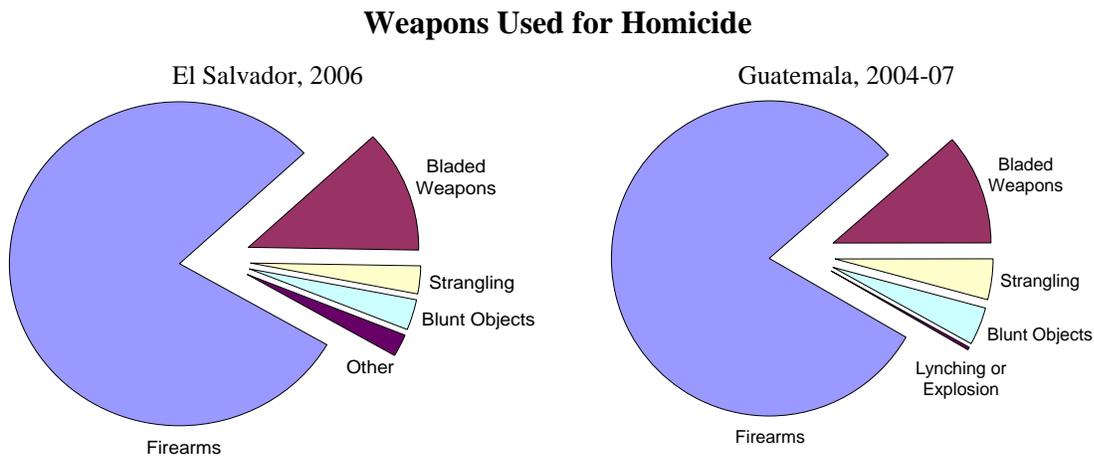
Guatemala, and Honduras are also involved in the extortion of protection money from local businesses, buses, and taxis as they go through the territories they control, creating a climate of fear in their communities.

The number of deportees in Central America from the United States has increased astronomically in recent years, and U.S. deportation policy is viewed as a driver of transnational gang connections. Overall, the sparse information available suggests that the large majority of deportees are not gang members. However, among the more than 200,000 people deported to Central America since 2004, at least a few thousand were members of gangs. Undoubtedly, their presence has somewhat contributed to gang activity in the region.

Promising programs to address youth violence have included 1) national-level initiatives such as second chance programs for youth offenders, 2) national-level human development programs—focused on secondary school completion, second chance education, job training programs, and parenting programs—and 3) municipal/community-level programs—such as safe neighborhood programs, community policing, and ordinances to reduce availability of alcohol. While there are a multitude of programs in the region that address youth violence, few have been subject to rigorous impact evaluation. In the medium and long run, impact evaluations should systematically document what works in youth violence.

### Firearms

The widespread availability of firearms is one of the principal drivers of violence. More than 3 million arms are believed to be in circulation in Central America, and less than one-third are legally registered with public authorities. The region is facing an epidemic of gun violence as the large majority of reported homicidal violence is committed with small arms. Figure 5.2 shows the breakdown by weapon for murders in Guatemala and El Salvador. The profiles are remarkably similar: in both countries, firearms were used for 80 percent of killings.



A range of trends emerged from a victimization survey carried out by the Geneva-based Small Arms Survey in Guatemala in 2008. Firearms were overwhelmingly present in all reported incidents of victimization. Additionally, 31 per cent of respondents own some kind of weapon, and 9 per cent own a gun. Of those who do not own a gun, 16 per cent would like to own one.

## Views on Weapons in Guatemala

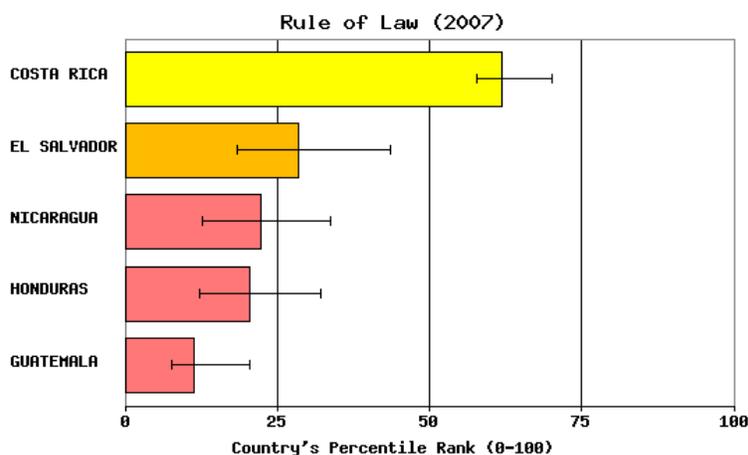
Perceptions about Weapons	% of respondents
Believe some sort of weapon is useful for self-protection	25%
Own a weapon	31%
Believe that a gun makes one more safe	44%
Own a gun	9%
Would like to own a gun	16%
Believe that someone in neighborhood owns gun/explosives	44%

Most countries in the region are committed to international and regional norms and legislation associated with arms control, though national implementation and enforcement of gun laws remains sporadic. Regional and international evidence shows that the implementation and enforcement of firearms legislation, such as a ban on carrying firearms, combined with supply-side measures, such as reducing the prevalence of secondary firearms markets, are the most promising approaches to reduce availability of firearms and reduce armed violence.

### Criminal Justice Systems

Legal reforms are an essential step to addressing crime and violence. The reform efforts in Central American countries have focused on developing new legal frameworks. Overall, the criminal justice institutions of the region remain underperforming, as seen by the Rule of Law Indexes below. Issues to be addressed include impunity, access to justice, due process, judicial accountability and independence, timeliness (length of pre-trial detentions, case disposition times), witness protection, policing, and prison services. Sustained political will is fundamental to achieve progress in addressing the systems' weaknesses.

### Rule of Law Indexes in Central American Countries



Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2008: Governance Matters VII: Governance Indicators for 1996-2007  
 Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The aggregate indicators do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources or for any other official purpose.

Police forces in the region remain well behind in terms of strategic planning and administrative and operational management. Internal dysfunctions become apparent in incomplete criminal investigations, heavy case backlogs, and slow processes. Improvements in the services provided to citizens and other users will provide the core of institutional reforms in the “front offices” that, in turn, will depend on radical reforms in the “back offices.” Modernization of policing through the use of information systems along with community and problem-oriented policing is a key element of criminal justice sector reform.

Inter-institutional coordination with other justice sector agencies is also critical to reduce impunity and improve citizens’ perceptions of the justice sector. Effective linkages must be formed between the police and other justice sector institutions, including the judiciary and public prosecutors, to address issues of crime and violence especially in light of new criminal justice codes which alter the traditional roles of each of these important actors. Court administration and case management can be optimized with internal processes reengineering such as the development of management information systems and performance indicators for better problem diagnosis, tracking of system outputs, monitoring reform programs, and providing increased accountability to citizens. The results of the Guatemala and Costa Rica pilots on rapid reaction one-stop shops (24-hours and “*in flagrante*” courts) in terms of reduced case disposition times and respect of due process guarantees are encouraging. They show that inter-institutional coordination among police forces, judges, prosecutors, and public defenders operating in the same office can be effective.

Achievements in terms of human rights and rule of law should be retained while reforms move to a new stage of performance-based management. Criminal justice reforms implemented over the past 15 years in Central America have stressed concern for human rights and the rule of law to counteract the level of abuse by security agencies during decades of military rule but have not often achieved their objectives. The passing and implementation of revised criminal procedure codes using mixed models provide important opportunities to strengthen the rule of law. Their implementation should take into account the experiences of other countries such as Chile which have implemented the codes, along with monitoring and evaluation reforms.

Transparency of criminal justice institutions can be reinforced by citizens’ oversight projects. To attain local participation and ownership of any reform process the inclusion of civil society organizations is very useful, but in the case of citizen security initiatives community participation is essential. The creation of citizens’ oversight mechanisms is also critical to strengthen respect for human rights and due process

### **Public Policy of Crime and Violence Prevention: National and Regional Approaches**

Efforts to prevent violence fall into two categories: sector-specific approaches—such as criminal justice, public health, and conflict transformation and human rights—and cross-sectoral approaches—such as crime prevention through environmental design and citizen security. These approaches are complementary. Criminal justice reform initiatives such as improved policing and better rehabilitation in prisons can be pursued simultaneously with citizen security programs that employ social prevention interventions and crime prevention through environmental design. There is no one “magic bullet” or single approach that can address all the risk and protective factors for crime and violence. Therefore, there are also **multiple possible entry points to reduce crime and violence**. In one instance, the most promising approach may be in the context of a slum-upgrading project; in another, in the context of a reform of the health service; in a third, in the context of a reform of the criminal justice system. The common denominator is that successful interventions are **evidence-based**, starting with a clear diagnostic about types of violence and risk factors, and ending with a careful evaluation of the intervention’s impact which will inform future actions.

Many of the issues facing Central America transcend national boundaries and require a coordinated regional response. Demand for drugs emanates from the United States; drugs are trafficked by Colombian and Mexican cartels; deportees are sent back to the region predominantly from the US; and many weapons that are trafficked are sourced from the United States.

Central America has undertaken several important steps to deal with emerging regional security issues. A range of institutions and instruments have been established in the sub-region to convert declarations into deeds. All Central American countries are members of SICA – the Central American Integration System. Yet no regional strategy in these areas can hope to succeed without significant support from OECD countries, in particular the United States. This support—such as the ongoing Merida Initiative—has so far been limited predominantly to security sector reforms initiatives and drug interdiction, but has been lacking in the areas of weapons control, violence prevention programs, and deportees. Recently however, there is increasing recognition in the United States that strategies to interdict the flow of drugs from south to north must be supported by greater efforts to restrict the flow of guns in the reverse direction.<sup>2</sup> In the area of deportees, more can be undertaken by the United States in order to minimize the negative impact of deportees on crime in Central America such as better notification and support for re-integration programs in Central America. Similarly, Central American countries will require significant support from OECD countries to finance some of the more costly elements of interdiction strategies as their own resources are clearly overwhelmingly inadequate to take on the drug cartels. Meanwhile the current overall approach to drug policy needs to be rethought, as highlighted by the Latin American Commission on Drugs and Democracy (2009).

Good policy making to reduce crime and violence does not happen by accident. National crime reduction plans and the establishment of national crime commissions are an essential step. National plans allow for cross-sectoral collaboration and serious discussions about the priorities in resource allocation. Equally importantly, they offer a vehicle for the involvement of civil society organizations, where much of the expertise in violence prevention resides. While some countries already have multi-sector crime reduction plans in place, others have not. National crime reduction plans should recognize that crime prevention and control are complementary. The issue is not of prevention *versus* control, but rather the appropriate mix for local conditions. It is important to recognize that not all prevention interventions have long gestation periods and not all control interventions will have immediate impacts.

In general, a successful approach at the national level will involve **multiple interventions**. Evidence from developed countries suggests that some of the most cost-effective prevention interventions focus on children and families. Since some of these may pay dividends only in the medium- to long-run, they should be complemented by interventions that can generate significant short-run reductions in crime and violence. Candidates in this latter group include integrated citizen security approaches – particularly at the local level - which combine modern methods of policing with prevention interventions undertaken by both government and non-governmental organizations, situational crime prevention, and programs which address the immediate needs of youth at high risk for violent or criminal behavior.

Crime and violence are not immutable. While Central America faces serious challenges, especially in the areas of drugs, guns, youth and gang violence, as well as weak criminal justice institutions, intelligent policy making at the national and regional levels can make a difference. Given the high social and economic costs associated with crime and violence, the development of sound policies and programs is a key development priority for the region.

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<sup>2</sup> CNN, March 26, 2009; New York Times

The table below summarizes the key policy recommendations of the report.

**Summary of Policy Recommendations**

	<b>Priority Recommended Policy Actions</b>	<b>Medium-Term Policy Actions</b>
<b>Data/evidence based policy-making</b>	<ul style="list-style-type: none"> <li>• Conduct regular, periodic and standardized victimization surveys that permit comparison of crime levels both across countries and over time</li> <li>• Use data and analysis to identify geographical and demographic foci for interventions:               <ul style="list-style-type: none"> <li>○ Employ geographical information systems (GIS) to analyze crime trends and allocation prevention and control resources in large cities</li> <li>○ Scale-up “integrated citizen security” approaches to rapidly reduce crime in violent areas</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Create Injury Surveillance Systems</li> <li>• Conduct impact evaluations of all types of crime and violence prevention/ reduction programs in the Central America region</li> </ul>
<b>Criminal Justice Reform</b>	<ul style="list-style-type: none"> <li>• Develop information systems and performance measurement indicators to promote institutional efficiency and accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake institutional reform to promote better coordination and crime reduction</li> <li>• Effectively implement key criminal procedure reforms respectful of due process guarantees and providing a fast-track for cases of social relevance (increased transparency and accountability, plea bargaining etc)</li> <li>• Modernize policing through the use of information systems and problem-oriented policing</li> </ul>
<b>Social and Situational Prevention</b>	<ul style="list-style-type: none"> <li>• Integrate crime and violence prevention into sectoral programs such as slum-upgrading, education, and health</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct impact evaluations of social and situational crime prevention initiatives</li> <li>• Scale up successful civil society crime and violence prevention programs</li> </ul>

<p><b>Youth Violence and Gangs</b></p>	<ul style="list-style-type: none"> <li>• Finance programs with proven track record of success with youth violence prevention</li> <li>• Invest in early childhood development programs and programs targeting children aged 4-10</li> <li>• Target specific youth-at-risk populations</li> <li>• Reduce emphasis on ineffective “mano dura” programs</li> <li>• Apply existing laws separating incarcerated youth from adults and invest in rehabilitation and reintegration</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake impact evaluations that systematically document what works in youth violence prevention in Central America</li> <li>• Provide skills training and internships for at-risk youth</li> </ul>
<p><b>Deportees</b></p>	<ul style="list-style-type: none"> <li>• Improve coordination with sending countries (who, when, share criminal records, etc.)</li> <li>• Undertake robust research on contribution of deportees to crime</li> <li>• Finance deportee reintegration, targeting deportees most likely to re-offend</li> </ul>	<ul style="list-style-type: none"> <li>• Enlist sending countries (US) to finance programs for reintegration of criminal deportees</li> </ul>
<p><b>Drug Trafficking</b></p>	<ul style="list-style-type: none"> <li>• Implement/expand drug abuse treatment programs</li> <li>• Rethink national and regional drug policy</li> </ul>	<ul style="list-style-type: none"> <li>• Enlist consuming countries to provide financial and technical assistance</li> <li>• Create alternative opportunities for youth.</li> <li>• Rethink international drug policy</li> </ul>
<p><b>Guns</b></p>	<ul style="list-style-type: none"> <li>• Improve implementation of national gun laws on carrying, licensing, gun registries</li> <li>• Enforce gun laws and regulations for licensing, selling, import/export</li> <li>• Improve illegal gun interdiction</li> <li>• Integrate gun interventions with general crime and violence prevention programs</li> </ul>	<ul style="list-style-type: none"> <li>• Change gun culture</li> <li>• Implement and enforce international and regional agreements on the proliferation of Small Arms and Light Weapons (SALW)</li> </ul>

## CHAPTER 1

### LEVELS, TRENDS, AND DRIVERS OF CRIME AND VIOLENCE IN CENTRAL AMERICA

*Violence has reached extreme levels in El Salvador, Guatemala, and Honduras—which now have homicide rates among the highest in the world—and is of growing concern in Costa Rica, Nicaragua, and Panama. The available imperfect data suggests that murder rates have grown in all six countries since 2003. Cross-country surveys show that rates of armed robbery are also high, especially in El Salvador and Guatemala. Nonetheless, overall victimization rates, rates of burglary, and perceptions of insecurity are not particularly high in Central American countries relative to the rest of Latin America and the Caribbean. Despite recent increases in crime, Costa Rica, Nicaragua, and Panama rank as the safest countries in LAC (among those for which data is available) in terms of citizens' perceived levels of insecurity. The limited information on domestic violence suggests that it is widespread and particularly likely to be experienced by women who witnessed violence in their own family and whose spouses abuse alcohol. An analysis of homicide at the subnational level shows that murder is most prevalent in areas with high intensity of drug trafficking and areas with large numbers of young men and households headed by women. Murder rates are not, however, higher in areas that were ravaged by the region's civil wars and armed conflicts in recent decades.*

Central America as a whole is increasingly facing frightening levels of crime and violence. The phenomenon has become a principal concern of the region's citizens and policymakers, who recognize the threat crime and violence poses to welfare in both the short and long term. This chapter presents an overview of levels and trends of victimization. It emphasizes the particular difficulties in assembling reliable data on crime and highlights those data sources which are comparable across countries. The chapter also presents an original quantitative analysis of the drivers of violence in the region.

Crime data is notoriously problematic, particularly when compared across countries. Any analysis of crime data potentially suffers from two substantial pitfalls: underreporting, which is often severe in official data, and variation over time and space in how particular crimes are defined. There is a serious danger that casual comparisons of crime rates across countries or plots of trends over time will be heavily distorted by these two problems. In order to reduce these problems, emphasis in this chapter is given to two sources of data:

- officially reported homicide rates, which are less subject to definitional and underreporting complications, and
- survey-based victimization and perceptions data from the Latin American Public Opinion Project (LAPOP) surveys.

The chapter also presents analysis based on victimization modules in household surveys from Guatemala and Costa Rica, and violence against women modules from Demographic and Health Surveys in Nicaragua and Honduras.

Although the two main types of data employed—officially reported homicide rates and the LAPOP surveys—are the best available for purposes of cross-country comparisons, they have weaknesses. Differences across countries in reported homicide rates partially reflect variation in the quality of data systems. And although the LAPOP questionnaires are standardized across countries, the responses are subject to differences in interpretation and understanding across countries. These caveats are described in the text and should be kept in mind.

The available data suggests that the distinguishing crime statistic of the region is the extreme levels of homicide in El Salvador, Guatemala, and Honduras. Rates of other forms of crime as captured in the LAPOP surveys and overall victimization rates—which reflect chiefly minor crimes—are high in those same three countries but are not the highest in Latin America and the Caribbean. A final section of the chapter examines the drivers of the homicide, taking into account potential economic, social, and historical factors.

## 1.1 HOMICIDE

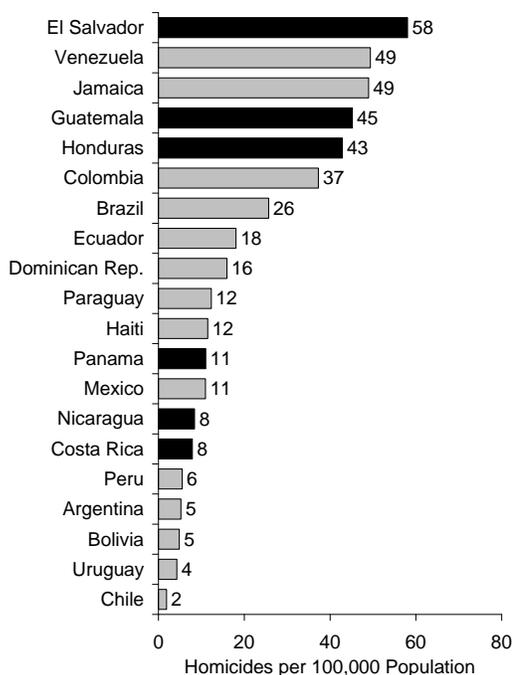
Accounts of lurid murders are a daily occurrence in the press in El Salvador, Guatemala, and Honduras. Although homicide rates are much lower in Panama, Nicaragua, and Costa Rica, there is rising concern about levels of violence in those countries as well. Figure 1.1 shows homicide rates in Latin America and the Caribbean based on data from various official sources in 2006, the most recent year for which data is available for a wide set of countries. The three Central American countries where murder is prevalent have rates that rank alongside those of Venezuela, Jamaica, and Colombia as some of the highest in the world. El Salvador stands out as having a spectacularly high rate of homicide more than six times the worldwide average.

Some sense of the scale of the level of violence in the region can be found from other international comparisons. The total population of Central America, 40 million, is approximately equal to that of Spain, where there were 336 murders in 2006. In stark contrast, there were 14,257 murders in Central America in the same year.

Homicides are less likely than other crimes to be substantially underreported in official data. However, an important caveat of using any administrative data is that comparability over time might be affected when there are institutional changes that involve the statistical system. That is the case, for example, with El Salvador. In 2005, the national police, the medical forensics institute, and the attorney general’s office integrated their processing of homicide data, making for much improved statistics. A similar process in Honduras has generated higher quality data since 2003. Consequently, in both countries, homicide figures under the new data regime are not comparable to previous years.

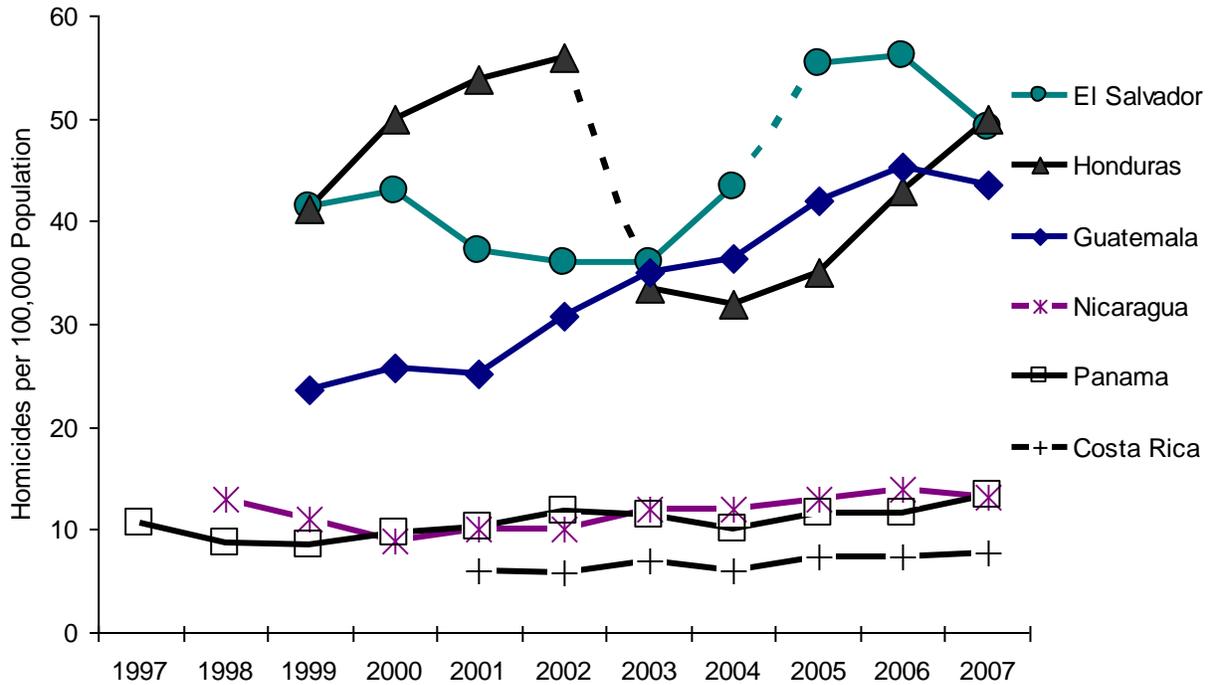
Recognizing these caveats, data presented in Figure 1.2 make it clear that Central American homicide rates exhibit a rising trend. In Guatemala homicide rates have almost doubled since 1999, after a sharp decrease 1996-1999 following the signing of the peace agreement which ended the country’s civil war. Homicides appear to have intensified in El Salvador and Honduras, although this may be in part a consequence of the improvement in methodology for collecting statistics. Homicide rates in Nicaragua, Panama, and Costa Rica, while substantially lower, have increased at an average pace of 5 to 10 percent per year. The World Health Organization (WHO) stipulates that a country with a homicide rate above the threshold of 10 is suffering a violence epidemic. Five of the six Central American countries are above this threshold.

**Figure 1.1: Homicide Rates in Latin America and the Caribbean (c. 2006)**



Sources: Various. See Annex 1.1 for details.

**Figure 1.2: Homicide Trends in Central America**

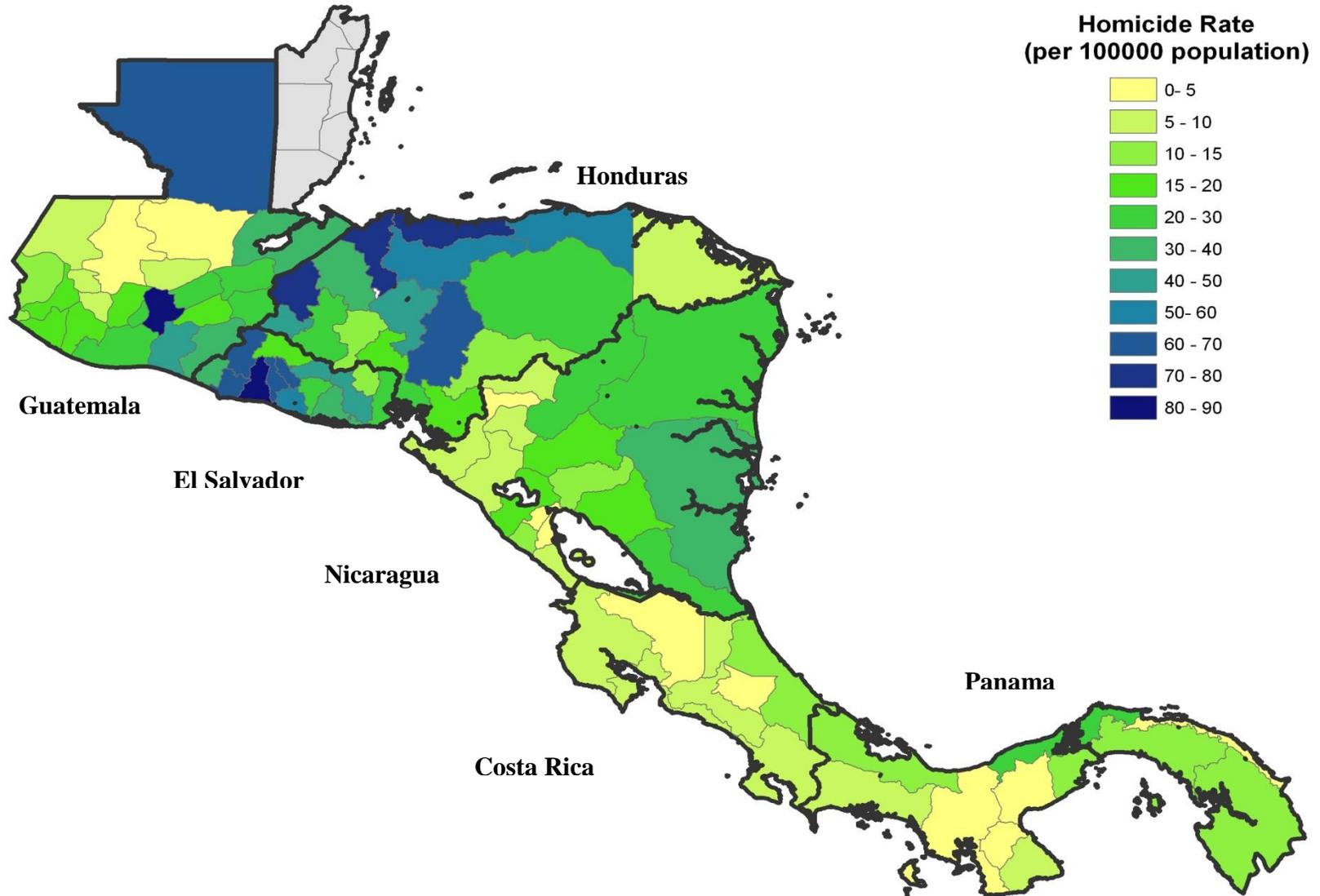


Source: Cuevas and Demombynes (2009).

Note: Dotted lines indicate changes in methodology or data sources across years.

The map of Central America shown in Figure 1.3 presents the spatial incidence of homicide. The data in this map was assembled from homicide information from national authorities for the most recent year available. The patterns of homicide within country vary considerably by country. In Guatemala, homicides are highest around the capital, with high rates also in the sparsely populated Petén region in the north. In Honduras, rates are highest along the Atlantic coast, the area around Tegucigalpa, and the Guatemalan border. In the remaining countries, homicides tend to be higher on the Atlantic coast.

Figure 1.3: Homicide Rates by Subnational Area



Source: Cuevas and Demombynes (2009).

## 1.2 ARMED ROBBERY

Anecdotal accounts suggest that armed robbery has become increasingly common in Guatemala, El Salvador, and Honduras. Data on armed robbery is available for a large number of LAC countries from the LAPOP survey (see Figure 1.4). More than 1 in 10 people in Guatemala and El Salvador were victims of armed robbery; these rates rank near the top among LAC countries. The rate was lower—about 1 in 20—in Honduras, Nicaragua and Costa Rica.

## 1.3 ASSAULT

Assaults—physical attacks with the intention to cause injury—can lead to short and medium term psychological trauma (PAHO 2002), aside from the physical injuries left by the event itself. The term “assault” covers a wide range of events, with injuries at all levels of severity

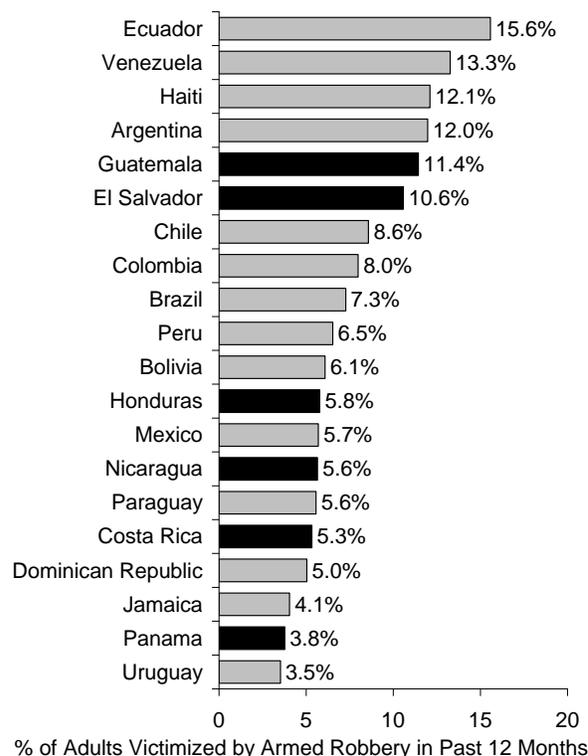
Because assault is such a broad concept, it can be particularly misleading to compare assaults across countries, as different legal systems have different characterizations of what constitutes assault. The United Nations Office of Drugs and Crime (UNODC) Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS) initiative attempts to compile comparable statistics by asking countries to report assaults following standardized definitions. Nevertheless, in many cases it is unclear to what extent reporting countries are able to adapt their records to these definitions.

According to the latest CTS release, in 2005 the assault rate (reported events per 100,000 population) reached 69 in El Salvador, 55 in Panama, and 27 in Costa Rica. In Nicaragua, the reported rate is much higher: more than 350. In light of the data on other crimes from official homicide data and the LAPOP surveys, it is very unlikely that Nicaraguans suffer more from assaults than Salvadorans. Part of the gap might be stemming from systematic differences in underreporting. Part of it may be arising from differences in criminal codes. In any case, the assault data illustrates how difficult it is to compare crime statistics across countries.

## 1.4 KIDNAPPING

Media reports and anecdotal accounts indicate that kidnappings are a serious concern for Central Americans, especially in major cities. A particularly used modality is the so-called *express* kidnapping, whereby a victim is abducted and forced to make as many and as large ATM withdrawals as possible, or the victim’s family is asked for payable ransom.

**Figure 1.4: Armed Robbery Victimization Rates, 2008**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

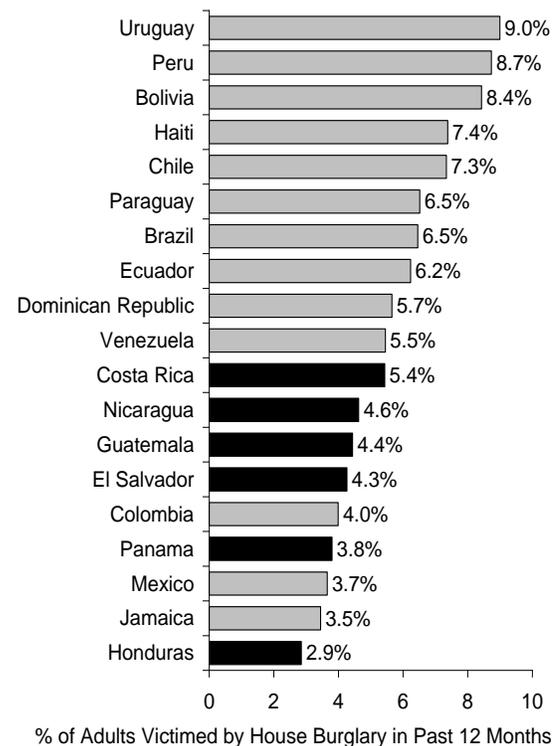
Express kidnapping evolved as a form of robbery, as it does not require significant additional infrastructure since victims are typically transported in vehicles, and it lasts only for a few hours. The criminals act under various *modus operandi*. According to accounts from Salvadoran police officers, kidnappers sometimes have a woman lead a male victim to a certain location, where abductors await. In Nicaragua, the police say that criminals sometimes operate disguised as taxi drivers. When the victim boards, the driver stops shortly thereafter to allow the abductors to get in and initiate the “tour.”

Kidnappings are heavily under-reported to the police, probably because the abductors are in a position to establish a credible threat of retaliation to the victim. El Salvador’s National Police recorded only 14 cases in 2005 and 17 in 2006, figures that are in sharp contrast with media reports and public opinion. In Nicaragua and Costa Rica there were 11 reported kidnappings in 2005, while in Panama they reached 17 (CTS 2008).

### 1.5 BURGLARY

Burglary refers to the theft of property from a residence. Survey-based figures on burglary victimization are shown in Figure 1.5. Burglary rates are low in Central American countries compared to other countries in the region. Curiously, two other countries which have high rates of violent crime—Colombia and Jamaica—also have low reported rates of burglary.

**Figure 1.5: Burglary Victimization Rates, 2008**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

### 1.6 OVERALL CRIME VICTIMIZATION AND PERCEPTIONS OF INSECURITY

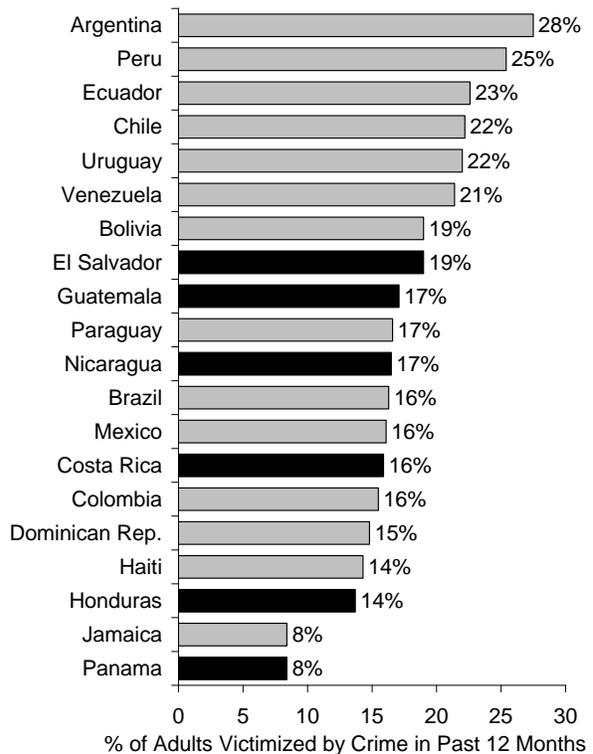
The LAPOP surveys ask respondents in each country if they have been victims of a criminal act (*acto de delincuencia*) in the previous year. This information can be used to generate overall crime victimization rates. It is important to recognize that overall victimization rates can be misleading because the makeup of crime may differ substantially across countries, thus blurring the comparability of the statistics. In particular, in violence-torn countries like El Salvador, Guatemala, and Honduras, most of those reporting some victimization have been victims of violent crime. In other countries, the overall victimization rates probably reflect chiefly high-frequency non-violent crime.<sup>3</sup>

<sup>3</sup> These conclusions follow from two observations. First, according to official data, which tends to underreport non-violent crime, rates of non-violent crime in most countries are higher those of violent crime. Second, separate data on violent crime victimization—available in the LAPOP surveys for Central American countries only in 2008, and presented in Figure 1.9—shows that most respondents in El Salvador, Guatemala, and Honduras who reported having been the victim of an *acto de delincuencia* also reported having been the victim of a violent crime.

It is also likely that citizens of certain countries may vary in how they interpret an *acto de delincuencia* when responding to the survey. For example, incidents such as minor theft or verbal insults might tend to register as *actos de delincuencia* for respondents in some countries but not in others. Consequently, these overall victimization rates should be taken only as an extremely coarse measure of criminal activity. The differences across countries are probably best understood as reflecting differences in levels of non-violent crime.

In 2008, surveys show that 1 in 7 Central Americans reported having been the victim of some crime, with higher rates in El Salvador and Guatemala, and slightly lower rates in other countries of the region. Figure 1.6 shows that many countries in Latin America and the Caribbean have higher overall victimization rates than even the most crime-ridden countries of Central America.

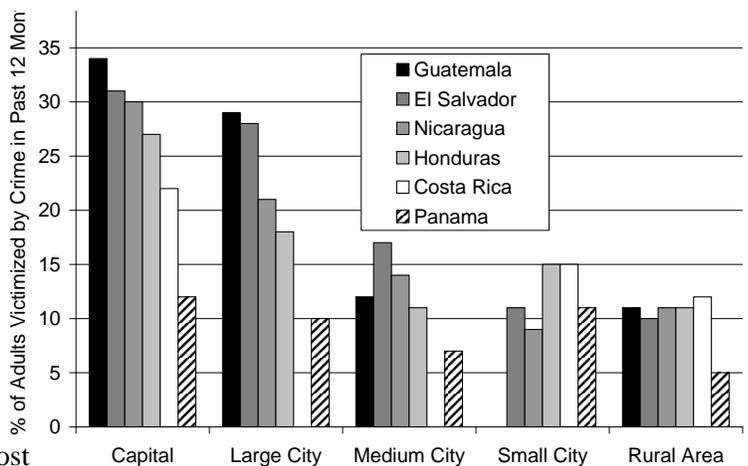
**Figure 1.6: Overall Victimization Rates, 2008**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

Within Central America victimization rates are lowest in rural areas, increase with city size, and are highest in the region's large capital cities (see Figure 1.7). An inhabitant of Guatemala's or El Salvador's capital, where over 30 percent of the population reported having been victimized, is three times more likely to be a victim than a rural resident. Victimization rates are just slightly lower in the Managua area, while for Panama City and San José, victimization rates are 20 percent or lower. Notably, victimization rates in rural areas across the region are essentially uniform at 10 percent, with the exception of Panama, which the rural rate is a low 5 percent. This means that the variation across countries in victimization at the national level is driven almost entirely by differences in urban areas.

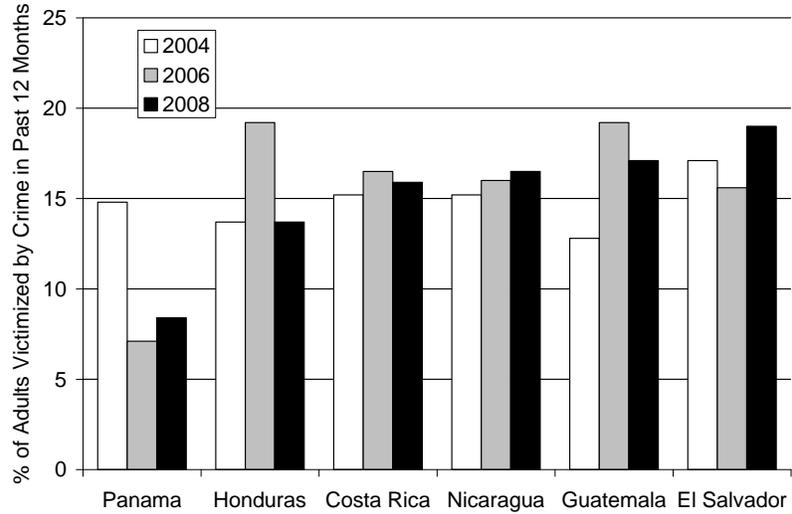
**Figure 1.7: Overall Victimization Rates by Size of City, 2008**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

Overall victimization rates can also be tracked over time, using fully comparable LAPOP surveys conducted in 2004, 2006, and 2008. As Figure 1.8 makes clear, estimated victimization rates are subject to year-to-year variation, reflecting a combination of actual year-to-year variation in crime incidence and statistical error. Due to the small sample sizes in the LAPOP data, the country-specific changes in overall victimization rates between 2004 and 2008 are not statistically significant for any country other than Panama. Thus, this data suggests that overall victimization has remained roughly constant in recent years, with the exception of Panama, where the data shows a decline in victimization from the high level of 2004.

**Figure 1.8: Overall Victimization Rates Over Time in Central America**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

### **Box 1.1 The Challenge of Measuring Crime**

The two main sources of data on criminal activity are victimization surveys and administrative records. Surveys have a number of advantages. First and foremost, they collect information directly from victims, regardless of whether the victim decided to file a report to the police, avoiding potential biases stemming from the fact that in some countries or regions people are less likely to report a crime than in others. Second, surveys also collect crime-related information such as perceptions of the risk of being robbed, changes in perceptions over time, and expectations about future risk. Third, surveys typically collect additional socioeconomic and demographic information that makes it possible to better understand the incidence of crime across groups in the population.

Administrative sources include records stemming from procedures that accompany the report of a crime event. While the process varies by country, there are three main sources: the police force, the judicial system and, for homicides, the vital statistics system. The availability and reliability of administrative information is closely related to the quality of the institutions within a country. Data reliability will be poor if the institution has low capacity to manage data, process the different steps involved in a crime report and keep databases updated and organized. Additionally, in cases where institutions are not reliable, individuals may choose not file a report in the first place. These drawbacks can mislead an assessment of criminal activity across areas both across space and over time.

Administrative data, however, offers at least three advantages. First, it makes it possible to examine characteristics of victimization at a finer level of detail than in household surveys, in order to gauge the prevalence of different types and sub-types of crime. Many crimes, such as homicide, occur too infrequently to be measured in sample surveys. Second, administrative data is less subject to recall bias than surveys. Victims that file a report usually do so within hours of the event, while in surveys victims have to remember circumstances of events that took place months or years ago (depending on the reference period of the survey). Because certain groups of the population might be better at recalling details (e.g. the more educated), and because certain types of crime are more likely to be remembered than others, surveys are more subject to this source of bias than administrative records. Third, administrative records allow the analysis of homicides.

In an attempt to achieve comparable data on crime and violence, the UNODC has produced internationally standardized definitions:

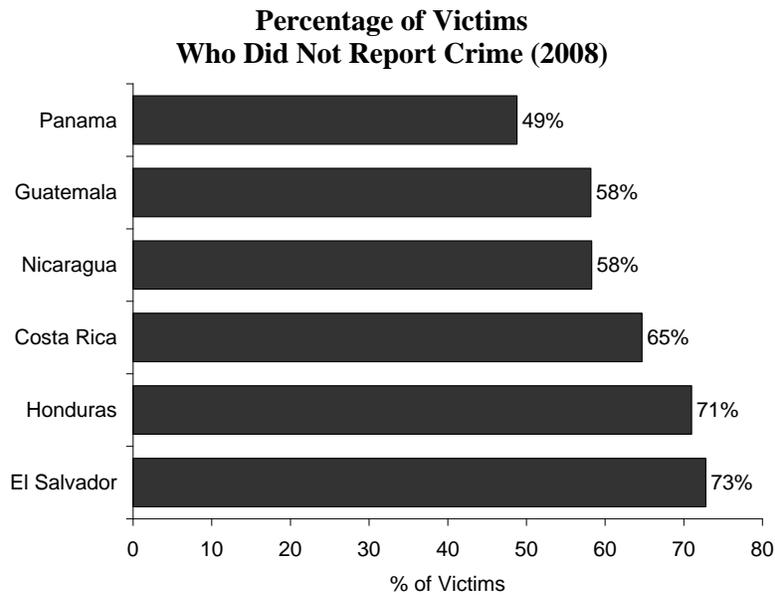
Every two years, the UNODC compiles its Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS) and asks country governments to report their figures taking into account these standard definitions. Unfortunately, many countries provide their information with a substantial lag or not at all. The lack of reliable and comparable data is a crucial limitation for understanding the extent of the incidence of crime and violence across space (countries, or regions within a country) and for monitoring its evolution over time.

This study presents information from both survey and administrative sources to provide a more complete picture of levels and trends of crime in the region. The best survey of comparable data on criminal activity from Central America is LAPOP (Latin America Public Opinion Project), a multi-topic survey directed by Vanderbilt University, in partnership with several institutions from all over the Americas. One main advantage of the survey is that all interviewees are asked the same question across countries and over different rounds of the survey, which makes it possible to make comparisons over space and time.

Detailed victimization questions in multi-purpose household surveys are also very useful for country-specific analysis. Household surveys in Guatemala and Costa Rica make it possible to analyze criminal activity at a fine level of disaggregation.

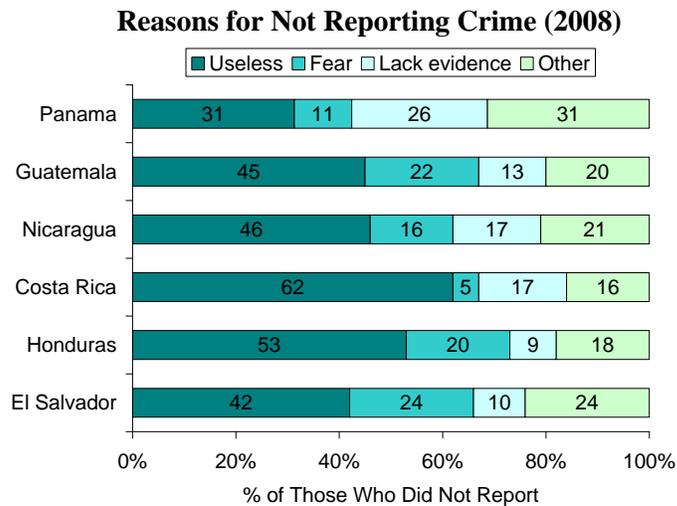
### Box 1.2 Underreporting of Crime

One reason crime is difficult to analyze in official statistics is because people often do not report crime to authorities. Figures from the LAPOP surveys show that even in Costa Rica, a country with low levels of crime, two-thirds of people victimized during the previous year did not report the crime.



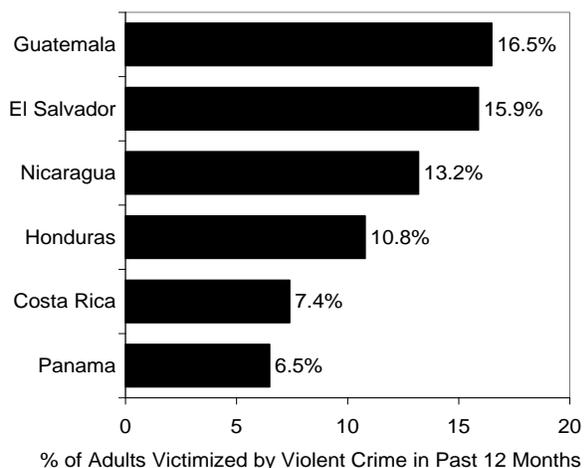
Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

People who did not report crime were asked why they did not report. The most common response was that reporting was of no use. These figures highlight the severe problems of studying crime on the basis of police statistics. In particular, it shows that reporting rates may be a function of the perceived effectiveness of the authorities. This finding suggests that increases in crime rates may decrease rates of reporting, if they damage how effective citizens believe the criminal justice to be. Additionally, these figures illustrated the importance of investing in data collection to be able to implement mechanisms that increase the efficacy of policies, such as targeting, and monitoring and evaluation.



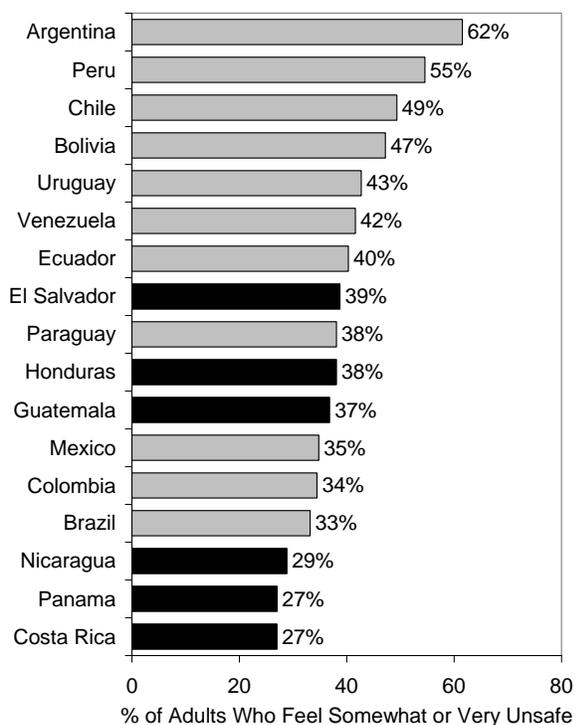
Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

**Figure 1.9. Violent Crime Victimization Rates**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

**Figure 1.10: Perceptions of Insecurity**



Source: World Bank staff analysis of data from Latin America Public Opinion Project surveys.

Note: These figures are based on responses to the question “Speaking of the neighborhood where you live, and thinking of the possibility of being assaulted or robbed, do you feel very safe, somewhat safe, somewhat unsafe, or very unsafe?”

have become accustomed to high levels of crime.

For Central American countries only, data is available on the percentage who were victimized in 2008 by a violent crime, defined to include the armed robbery, beating, injury with a weapon, sexual assault, or kidnapping of the respondent or the murder of someone in the household. Rates of violent victimization are extremely high in Guatemala and El Salvador—nearing 1 in 6 adults. Even in relatively peaceful Panama, 1 in 14 reports having experienced a violent crime.

The higher levels of victimization in Honduras, El Salvador, and Guatemala, compared to other countries of the region, are reflected in higher perceptions of insecurity (see Figure 1.10). Costa Rica, Panama, and Nicaragua rate as the safest countries in Latin America according to this perceptions data. Perceptions of insecurity are closely correlated with actual overall victimization rates, and somewhat surprisingly, Central American countries do not rate at the top in perceptions of insecurity.

It is important to interpret these findings very cautiously, recognizing the great weakness in perceptions data, which is inherently subjective. Perceptions can vary across countries for cultural reasons which have nothing to do with objective reality. Additionally, subjective responses are determined in part by individuals’ typical points of references, which probably vary across countries. One possibility is that reference points are tied to past experience in the country. This would explain, for example, why Colombians perceive their neighborhoods as relatively safe, even though murder rates in their country are still among the world’s highest. Rates of violence have dropped in recent years, so that the country is safer, relative to the extreme conditions of the mid-1990s. Likewise, perceptions of insecurity in El Salvador, Honduras, and Guatemala may not be as high as their rates of violent crime would suggest, in part because people

### Box 1.3: Evidence from Guatemala's ENCOVI 2000-2006

Guatemala offers an exemplary case of the collection of survey-based crime victimization data. The country's large scale ENCOVI household survey collected detailed information on victimization in 2000 and 2006 using identical questions and methodology, allowing for reliable, in-depth analyses.

Analysis from the survey data shows that rates of robbery and assault have risen markedly. Relative to levels in 2000, the robbery rate (by household) has increased by 15 percent, while assaults have increased 65 percent. Both in incidence and in trend, crime differs significantly across locations. Members of households in Guatemala City are three times more likely to be robbed and eight times more likely to be assaulted than those in rural locations. Extortion, which has been described extensively in press reports, is reflected in the survey, showing an incidence of 2.5 percent in Guatemala City (Table 1.1).

#### Victimization Rates in Guatemalan Households

% of Households With Someone Victimized

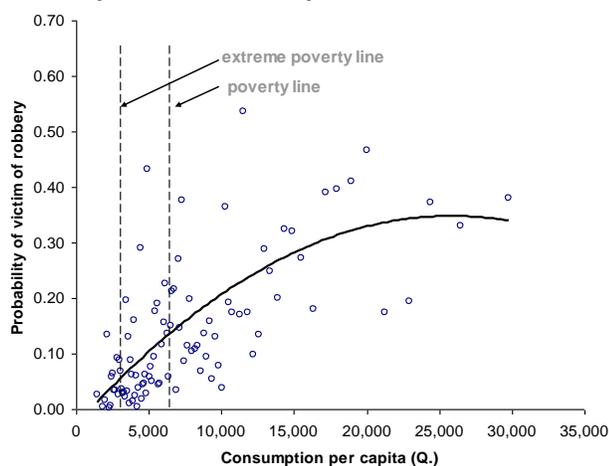
	All		Capital		Urban		Rural		Extreme poor		Non-extreme poor		Non-poor	
	2000	2006	2000	2006	2000	2006	2000	2006	2000	2006	2000	2006	2000	2006
Robbery	9.1	10.6	16.4	18.3	13.9	14.7	5.5	5.8	2.2	3.5	5.1	5.8	13.1	14.2
Assault	4.5	7.4	11.5	18.2	8.2	11.7	1.7	2.4	0.7	1.1	2.3	3.1	6.7	10.6
Physical aggression	1.6	1.6	3.4	3.0	2.8	2.0	0.7	1.1	0.3	1.0	1.3	1.1	2.1	1.9
Vandalism	1.1	0.5	2.0	0.9	1.5	0.6	0.7	0.3	N/A	0.1	0.9	0.2	1.4	0.6
Extortion	N/A	1.0	N/A	2.5	N/A	1.7	N/A	0.3	N/A	0.0	N/A	0.2	N/A	1.6
Physical mistreatment	1.2	0.7	1.9	0.8	1.7	0.7	0.8	0.7	0.9	1.0	0.9	0.6	1.4	0.8
Fraud	N/A	1.7	N/A	1.8	N/A	2.0	N/A	1.4	N/A	0.7	N/A	1.0	N/A	2.2
Other	0.2	0.4	0.4	0.6	0.3	0.5	0.1	0.3	0.1	0.7	0.2	0.2	0.2	0.5

Source: World Bank staff analysis of data from ENCOVI 2000-2006.

Because the ENCOVI survey is used to calculate national poverty figures, the survey can also be used to examine how victimization rates compare for the poor and non-poor. In terms of overall victimization, crime affects the non-poor relatively more. This holds regardless of the type of crime, although the greater incidence of the non-poor is more substantial for assault and robbery. The non-poor are ten and three times more likely to be assaulted than the extreme and non-extreme poor, respectively.

A more in-depth analysis presented in World Bank (2009) shows that as socioeconomic status increases in Guatemala, the probability that an individual is a victim of robbery increases, although it rises at a decreasing rate. This is illustrated for robbery in Figure 1, which shows the probability that an individual is a victim of robbery by his or her household's level of per capita consumption. Each circle shows the observations in the survey from a single percentile of the consumption distribution. The poorest Guatemalans are less likely to be victims of robbery and the other crimes captured in these surveys in part because they live in disproportionate numbers in rural areas, where crime rates are lower. Note that murder cannot be analyzed in the survey, and the socioeconomic profile of murder victims is unknown.

#### Robbery Victimization by Socioeconomic Status



Source: World Bank staff analysis of data from ENCOVI 2006.

**Box 1.4 Evidence from Costa Rica’s EHPM 1997-2008**

Costa Rica’s INEC included a victimization module in its 2008 EHPM (Encuesta de Hogares de Propósitos Múltiples) comparable to that of a similar survey in 1997. The perception that that crime and violence are an increasing threat to Costa Ricans’ welfare is confirmed by the evidence stemming from the EHPM. Measured as the share of households that have suffered at least one crime event in the previous year, victimization rates have almost doubled, rising from 15 to 28 percent between 1997 and 2008.

**Victimization Rates in Costa Rican Households**

% of Households With Someone Victimized

	1997	2008
burglary	7.9	7.2
street robbery	3.3	11.1
attempt of robbery	2.4	6.0
theft from vehicle	1.0	4.4
theft of vehicle	0.5	0.8
assault	0.8	2.2
other	0.5	1.5

Source: EHPM 1997 and 2008.

The sharp increase is driven entirely by street crime. Over the last decade the rate of burglary has remained roughly unchanged, while rates of completed and attempted robberies, vehicles thefts, and assaults have all tripled. Robberies, which were previously uncommon, have become the most common form of crime reported in the survey.

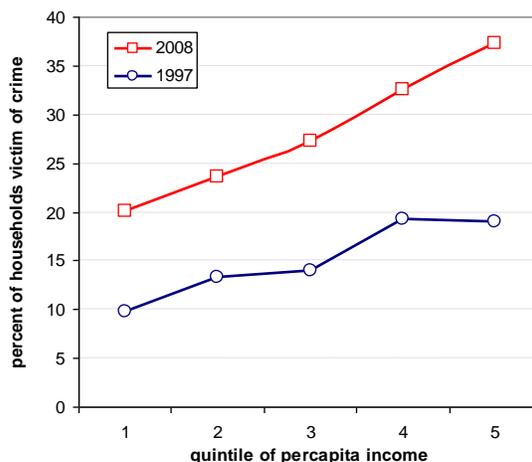
The incidence of crime has surged in the entire country. All regions without exception have seen substantial increases in criminal activity. In the region where crime increased the least—the Central region—the percent of households that were victimized by crime jumped up by two-thirds, an average of six per cent per year. By any measure, a worrisome scenario. Even in Huetar Norte, a region that was previously almost immune to crime, the incidence has quadrupled to 20 percent.

Urban and rural distinctions continue to be important, but they are surprisingly converging. Almost a third of urban households and more than a fifth of rural households were victims of crime in 2008. While the incidence is still higher for urban areas, the gap has narrowed.

The EHPM allows makes it possible to examine how crime rates vary over the distribution of the socioeconomic spectrum. The probability that a household has at least one member victimized by crime increases with per capita income. The gradient, however, has flattened over time. In 1997, a household in the top quintile was twice as likely to report having been victimized as a household in the bottom quintile. The ratio of victimization rates for the two households fell from 2 in 1997 to 1.8 in 2008.

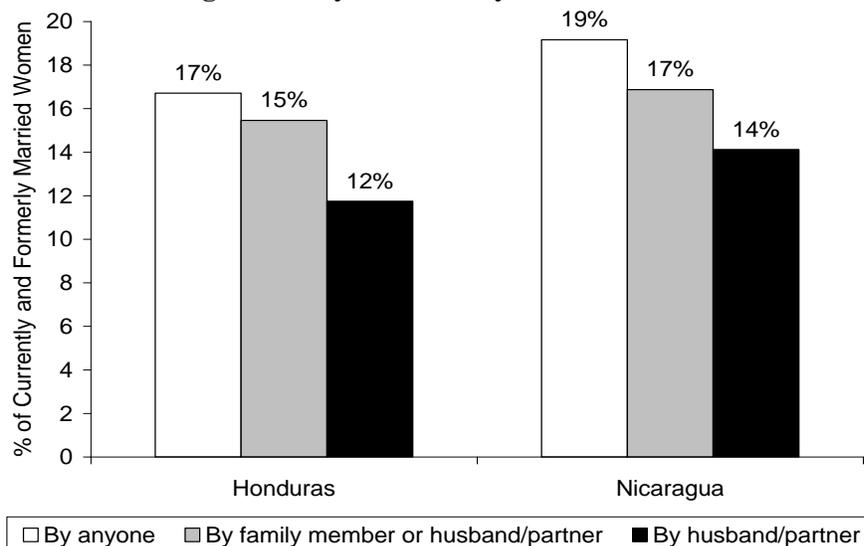
Analysis of the 2008 survey also shows that poorer households are subject to more severe types of crime. Among victimized households in the bottom quintile, 30 percent had suffered from crimes of aggression, compared to just 20 percent for victimized households in the richest quintile.

**Overall Victimization Rate by Income**



Source: EHPM 1997 and 2008.

**Figure 1.11: Rates of Violence Against Women, Among Currently or Formerly Married Women**



Source: World Bank staff analysis of Demographic and Health Surveys from Nicaragua (1997-1998) and Honduras (2005).

Note: These figures show the percentage of ever-married women who have been beaten or physically mistreated by anyone since they were 15 years old.

## 1.7 VIOLENCE AGAINST WOMEN

Violence against women is of particular concern. The challenges in evaluating information on violence against women are even more daunting than those for crime and violence data in general. Many incidents of domestic violence go unreported to authorities, and in victimization surveys, women may be reluctant to acknowledge abuse by a partner or family member. Across the small number of surveys which rigorously attempt to address the issue, concepts, methodologies, questionnaires, and populations examined vary.

It is possible to define a hierarchy of categories for violence against women. First there is the category of all types of violence against women. Second, there is a subcategory of domestic violence, meaning violence perpetrated by a partner, spouse, or other member of the victim's family. Finally, there is the more limited subcategory of intimate partner violence, i.e. violence by a partner or spouse.

The Demographic and Health Surveys (DHS) conducted in several countries are generally believed to capture the best data on violence against women, and it is possible with DHS data to construct comparable figures in the three categories described above for Nicaragua 1997-98 and Honduras 2005. (A separate 2001 survey in Honduras used identical questions to those employed for the 2005 DHS and showed very similar results.) These figures show the percentages that have experienced. As a whole, these national surveys show very similar rates of violence in the two countries. In Honduras, 17 percent of ever-married women have experienced violence, 15 percent have suffered violence at the hands of a family member or spouse/partner, and 13 percent have been victimized by a spouse/partner. Figures in each

category are 2 percentage points higher in Nicaragua. As a whole these rates are slightly lower than those from other surveys conducted in narrow areas of Nicaragua.<sup>4</sup>

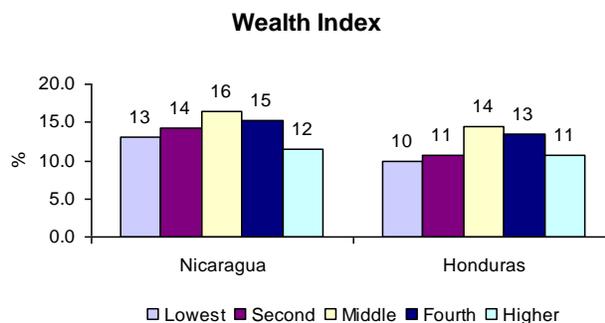
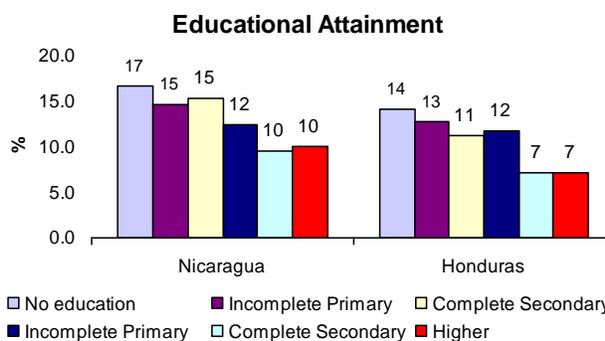
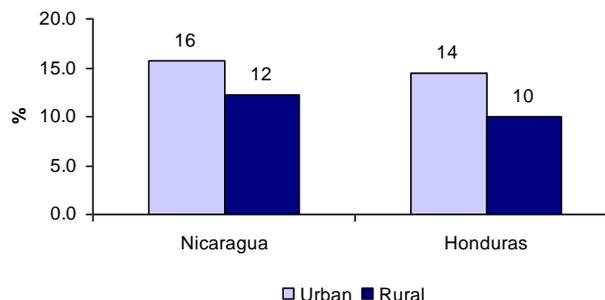
For further analysis, we focus on violence by a spouse or partner. Figure 1.12 shows the prevalence rates of this type of violence for each country by characteristics. Overall, the patterns are similar in the two countries. Rates of violence by a spouse/partner decline with the woman's education level, and are largely invariant to wealth. Intimate-partner violence is also much more common in urban areas.

The correlates of intimate partner violence were examined in a multivariate analysis shown in Annex 1.2. The key findings from that analysis are as follows:

- Both age at marriage and a greater age difference between the woman and her partner are associated with lower levels of domestic violence.
- A greater number of children and frequent heavy drinking by the partner are associated with higher levels of violence.
- Women whose fathers beat their mothers are more likely to suffer violence as an adult.
- Controlling for these other characteristics, rates of intimate partner violence are similar for all wealth groups.

These results are largely consistent with the broader domestic violence literature. Overall, they show that violence against women is widespread and is not confined to narrow socioeconomic groups.

**Figure 1.12: Rates of Violence Against Women by a Spouse or Partner, by Socioeconomic Characteristics, Among Currently and Formerly Married Women**  
Area of Residence



Source: World Bank staff analysis of Demographic and Health Surveys from Nicaragua (1997-1998) and Honduras (2005). Note: These figures show the percentage of ever-married women who have been beaten or physically mistreated by a spouse or partner since they were 15 years old.

<sup>4</sup> A 1995 study in the city of León in Nicaragua distinguished between women currently with a partner and those ever-partnered, i.e. who had ever had an ongoing sexual relationship. Among ever-partnered women, 27 percent had been assaulted by a partner at some point in their lives, and 20 percent had experienced severe violence more than six times in the last 12 months. Among currently partnered women, 52 percent had been assaulted and 37 percent had experienced severe violence. (WHO, 2004a). Another study, conducted in Managua in 1997, used a sample of 378 ever-married women and found that 27 percent had been assaulted in the last 12 months, and 17.7 percent of the women had been sexually assaulted in the last 12 months. Additionally, 69 percent reported having been assaulted at least once in their lives (WHO 2004a and Morrison, Orlando, 2005).

## Femicide

The murder of women, a phenomenon known as “femicide” has attracted particular concern in El Salvador, Honduras, and especially Guatemala. Female homicides are in part a consequence of the overall high levels of violence in those countries. Murder victims in every country are largely young men, and this pattern is accentuated in countries with extreme levels of violence. As a result, women typically make up a small percentage of victims in countries with high murder rates. Worldwide, women make up 23 percent of murder victims, and in Costa Rica—the Central American country with the lowest murder rates—they account for 18 percent of all victims.<sup>5</sup> In contrast, women are 7 percent of victims in Honduras and 10 percent of those murdered in El Salvador and Guatemala. Given the very high levels of violence, however, even these small percentages represent a very large number of women. Trends are difficult to evaluate, given the patchy nature of data from earlier years. The Guatemalan Human Rights Office, however, notes that between 2001 and 2007, available data shows that the number of murders of women grew by a greater percentage, 95 percent, than the number of homicides overall (77 percent).

The greater sensitivity regarding femicide stems in part from the perception that the phenomenon is the extreme manifestation of the high levels of vulnerability that women face in terms of their legal and social protections.

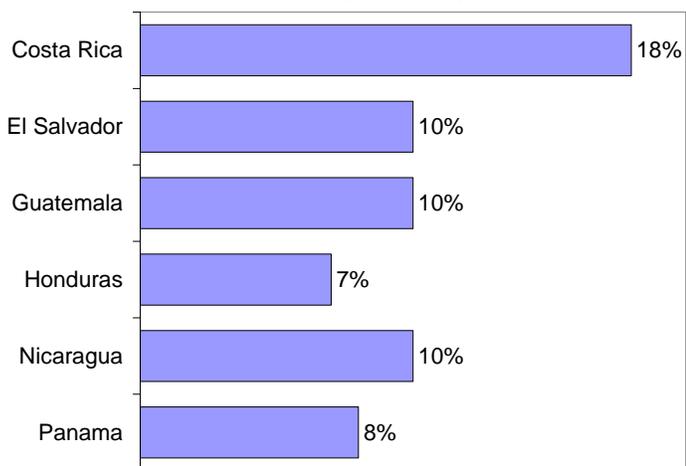
Femicide is also frequently associated with torture or sexual violence. In many cases, the murder takes place by strangulation. A case study by the Guatemalan Human Rights Office of 63 murders of women, 19 percent of the victims showed signs of having been tortured. Torture and sexual violence are seen as a form of exercising power over the victim before killing.

Because so few cases of murder are successfully investigated, little is known about the motives and circumstances of femicide. For example, the Guatemalan Human Rights Office notes that of more than 3000 cases of murder of women between 2001 and 2007 in that country, only five resulted in prosecution and sentencing of the perpetrators. In many cases, the lack of significant investigation is justified through the stigmatization of the victims, who are presumed to be prostitutes or associates of gangs.

### 1.8 DRIVERS OF HOMICIDE

Up to this point, the chapter has focused on victimization by crime. This section turns to the risk factors for criminal behavior and investigates the drivers of violence in the region. A large number of potential causes of crime and violence have been suggested in the academic literature and in the popular discourse in Central America. A useful overarching framework to consider risk factors for criminal behavior is the ecological risk model, which lays out four levels of influence: individual, relationship, community, and societal (WHO 2002).

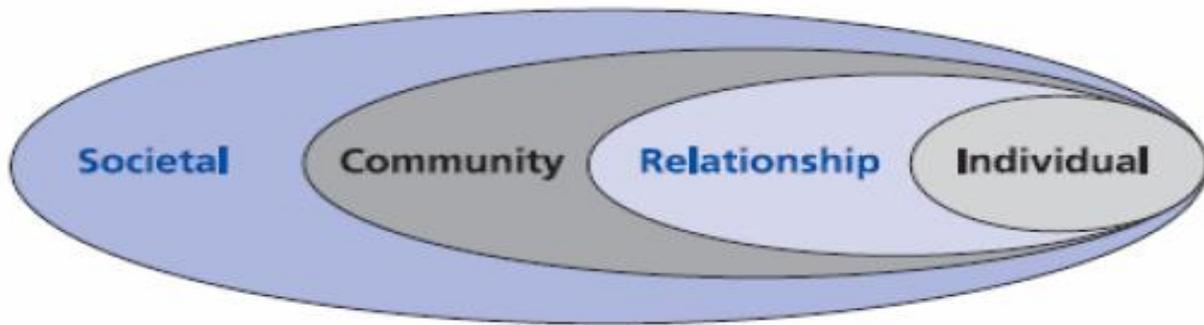
**Figure 1.13: Women as a Percentage of All Murder Victims, by Country**



Source: Bank staff analysis of World Health Organization data (all countries except Honduras) and Observatorio de la Violencia (2009).

<sup>5</sup> Worldwide figures are based on data from Reza, Mercy, and Krug (2001).

**Figure 1.14: Ecological Risk Model for Drivers of Crime and Violence**



Source: World Health Organization (2002)

The *individual* level encompasses factors such as age, gender, education, preferences, employment, and salary that may influence the choice of a person whether to engage in criminal behavior. According to a basic model of economic rational decision-making, a person who is unemployed, has meager earnings, or has crime-specific human capital is more likely to consider crime as an income-generation option.

The level of *relationships* includes the characteristics and behavior of household members, relatives, and friends that might make a person more likely to be involved in crime. Such factors include whether children lack monitoring and care and whether domestic violence occurs in the household.

Possible *community*-level factors include local poverty and inequality, the prevalence of criminal activities, ease of access to firearms, and exposure to sources of violence. A person who grows up in the middle of a civil war or living in an area with widespread drug trafficking may be more prone to engage in violent behavior.

The *societal* level include factors such as the quality of institutions in a given country, the strength of law enforcement agencies, the efficacy of the justice system, and cultural norms related to the rule of law. In a country with a weak police force or ineffective judicial courts, the disincentives to take up a criminal activity may be reduced.

Previous research has found that the risk factors for violent crime may differ from those for property crime.<sup>6</sup> The figures presented in this chapter make it clear that while levels of property crime are fairly high in some countries of the region, what distinguishes Central America from the rest of Latin America and the Caribbean are the extreme levels of violence. For this reason, we focus in this section on the question of what is behind these high levels of violence and in particular, homicide.

The factors that have been identified as potential drivers of violence in Central America are chiefly at the community and societal level: drug trafficking, the presence of youth gangs, and the legacy of the region's civil wars. In order to explore the importance of some of these factors, we have assembled data on homicides, drug-trafficking, incidence of armed conflict, and demographic and socio-economic characteristics at the subnational level to explore the extent to which they explain *within-country* variation in homicide rates. Another oft-cited contributing factor, the poor functioning of the police and criminal justice system, is not considered here but is discussed in Chapter 6 of the report.

Drug trafficking can contribute to levels of violence through several channels, including conflict between trafficking organizations, trafficking within those organizations, conflict between traffickers and law enforcement, weakening of the criminal justice system through diversion of criminal justice resources or

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<sup>6</sup> See for example Demombynes and Ozler (2005) for discussion and analysis along these lines for South Africa.

corruption of the criminal justice system, and the diffusion of weapons. We measure the importance of drug trafficking through the volume of drug seizures (cocaine plus cannabis) measured in kilos per 100,000 population. Seizures is not an ideal measure because the volume of seizures is a function of both the volume of drug trafficking and the efficacy of law enforcement. Nonetheless, high levels of seizures in a particular area can be taken as a rough indicator of high levels of trafficking. As the map in Figure 1.15 shows, there is substantial variation in trafficking both across and within countries in terms of exposure to drug traffic. Panama stands out from the rest due to its proximity to Colombia and the fact that it is the point of entry to Central America. Within countries, seizures are greater in general closer to the coasts.<sup>7</sup>

Another factor that may contribute to the region's high levels of violence is the presence of youth gangs. Direct information on the location of gangs is not available. The youth gangs phenomenon is a subset of the larger problem of youth violence. We use census data on two demographic variables that are likely to be risk factors for high levels of youth violence: the share of young men in the population, and the share of female-headed households.

A third potential factor for the high levels of violence in the region is the history of armed conflict. It is estimated that approximately 200,000 people died as a direct consequence of the Guatemalan civil war, which lasted from the early 1960s through 1996, with the most severe period beginning in the early 1980s. In El Salvador, the conflict unfolded from 1980 to 1992, taking the lives of around 75,000 people. In the case of Nicaragua, the conflict took place during the 1980s, and had distinct characteristics in relation to the previously described civil wars. Here the conflict started after the Sandinistas overthrew the Somoza regime. Subsequently, U.S.-funded and trained groups known as the *contras* engaged in violent activities around the country to destabilize the leftist government. This produced losses in infrastructure—bridges, roads, ports—of 17 billion dollars and a death toll of 38,000 people. The legacy of armed conflict could foment current violent by rendering the fabric of social capital, or by increasing the prevalence of guns.

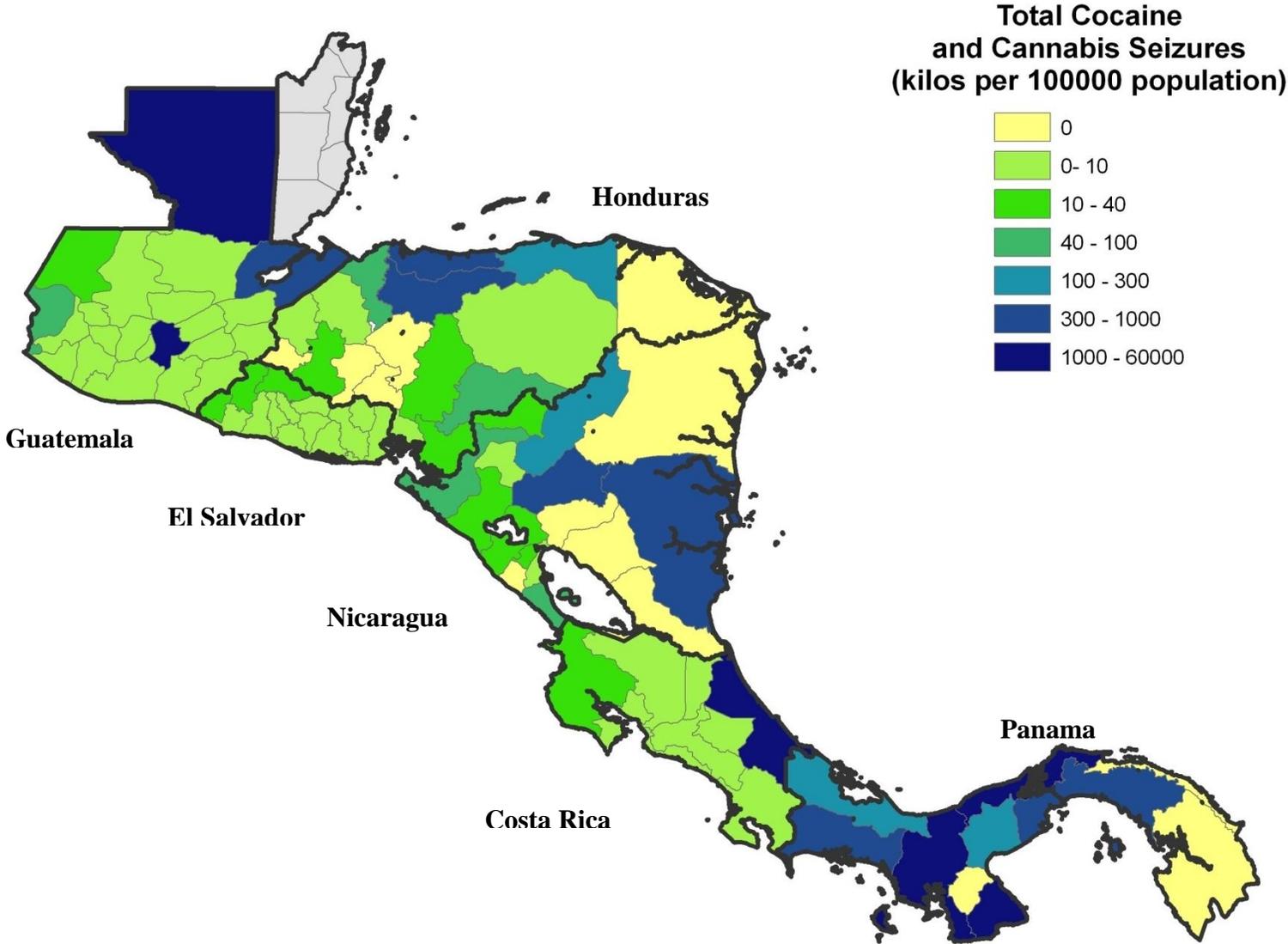
Data on the incidence of past armed conflict within each country was compiled and used to classify areas by low, moderate, severe and very severe incidence. This information is shown in the map in Figure 1.16. In Guatemala, the communities that were more exposed to violence are in the north and northwest part of the country, such as Quiche, Chimaltenango, and Baja Verapaz. In the case of El Salvador, central and northern zones such as Chalatenango, Cuscatlan were the most affected. Zones in the northwest of Nicaragua, like Nueva Segovia, were the most affected by the war with the *contras*.<sup>8</sup>

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<sup>7</sup> For the purposes of the regression analysis, drug seizures are modeled as a categorical variable. We classify departments in three categories: no seizures, total seizures of or under 100 kilos per 100,000 population, and seizures above this cutoff. The cutoffs were established by examining the distributions and noting that there is a certain discontinuity around 100. Under this approach, 18 percent of the localities is in the first category, 63 percent in the second and 19 percent in the third. We termed localities in the above 100 categories as drug-trafficking hot spots, and below 100 as drug-trafficking warm spots.

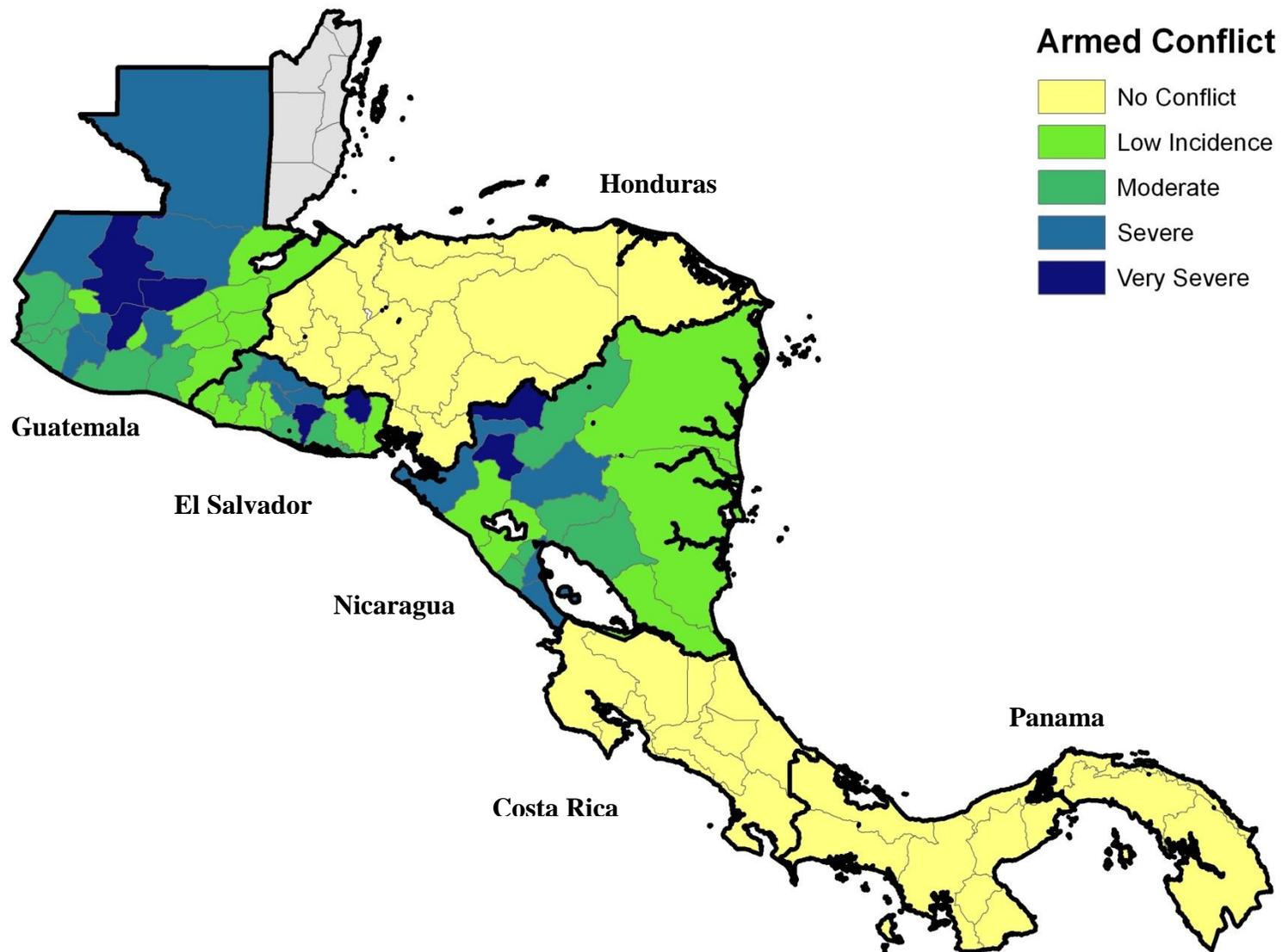
<sup>8</sup> The categories for past armed conflict are based on the distribution of the variable used to measure incidence for each country. In Guatemala, incidence is defined, based on cumulative deaths per 100,000 population, as low (0-40), moderate (40-100), severe (100-400), or very severe (400+). In Nicaragua and El Salvador, incidence is defined, in terms of the percentage of the population who lost a relative or friend, as low (0-30%), moderate (30-40%), severe (40-50%), or severe (50%+).

Figure 1.15: Intensity of Drug Trafficking



Source: Cuevas and Demombynes (2009).

Figure 1.16: Intensity of Past Armed Conflict



Source: Cuevas and Demombynes (2009).

Econometric analysis employing the variables described above, along with other controls, was used to examine some of the possible drivers of crime. The analysis includes country-level fixed effects, so they concern *within-country* variation in homicide rates. A summary of the results is shown in Table 1, and full regression results are included in Annex 1.1. Key results are as follows:

- First, drug-trafficking is an important driver of homicide rates. Within a country, areas with high exposure to traffic of illegal drugs suffer higher rates of violent crime, controlling for other factors. The issue of drug trafficking and its links to violence are discussed in more detail in Chapter 3.
- Second, areas at high risk for youth violence based on their demographic characteristics experience higher levels of murder. Specifically, areas with larger shares of young men (age 15-34) have higher homicide rates. Additionally, areas with large numbers of female-headed households, where young men are less likely to be monitored, also suffer larger numbers of murders. Youth violence is discussed in more detail in Chapter 4.
- Third, there is no significant association within countries between incidence of past armed conflicts and current homicide rates. Areas that were hotspots for armed conflict in the past are not experiencing higher levels of violence today.

Because the analysis concerns variation within country, it is possible that past armed conflicts have effects that are nationwide and not location specific. For example, the civil wars may have damaged the capacity of criminal justice institutions in the country as a whole or generated a large stock of guns, which are bought and sold across the country.<sup>9</sup> However, the broader evidence does not suggest that the region's high levels of violence are principally a legacy of armed conflict. Fragmentary data for Guatemala, El Salvador, and Nicaragua from the late 1960s (before armed conflict and political violence had reached intense levels) show that murder rates were already high then, exceeding 20 per 100,000.<sup>10</sup> Additionally, Cruz (2003) shows that in 1959, El Salvador experienced more than 900 killings, equal to a homicide rate of nearly 30 per 100,000.

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<sup>9</sup> The lack of correlation between past armed conflict and current levels of violence at the local level was also noted in one study of El Salvador (Carach 2000) and a more detailed study of both El Salvador and Guatemala (Cardenal Izquierdo (2008).

<sup>10</sup> Personal communication, Jose Miguel Cruz, April 15, 2009.

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**Table 1: Summary of Findings for Drivers of Homicide**

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Possible Driver	Finding
Drug Trafficking	Drug-trafficking hot spots have murder rates that are more than double those in areas of low trafficking intensity in the same country, controlling for other factors.
Youth-at-Risk	Areas with higher shares of young men in the population have higher homicide rates, controlling for other factors.
Lack of Monitoring of Youth	Areas where larger shares of households are headed by females face higher levels of homicide rates, controlling for other factors.
History of Armed Conflict	Varying intensity of armed conflict in Guatemala, El Salvador, and Nicaragua does <i>not</i> explain within-country variation in current violence. Areas that experienced high rates of death during past conflict are not more violent today. However, this evidence does not rule out possibility that past conflict had country-wide effects that drive current violence.

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For full regression results shown in Annex 1.1. All results are robust to controlling for urban/rural makeup of area, average income, inequality, education and area employment rates.

## 1.9 CONCLUSIONS

Data presented in this chapter show a sharp divide by type of crime and by group of country. Murder rates in El Salvador, Guatemala, and Honduras are staggering, and they illustrate that these three countries are facing a tidal wave of violence that has been seen in few other countries in the world not in a state of war. At the same time, non-violent crime rates, as measured by comparable cross-country surveys, appear to be high but not at extreme levels.

In Nicaragua, Costa Rica, and Panama, public concern has focused on the possibility that crime and violence may spill over the borders. Although murder rates in those countries have increased slightly, the homicide data shows no evidence that they are facing an explosion of violence like that seen in the north. In Costa Rica, reliable data does show a substantial, country-wide increase in street crime over the past decade. On the other hand, the very limited data shows a small decline in overall victimization rates in Panama between 2006 and 2008.

Domestic violence, a common problem in many developing countries, is a critical issue in Central America. Using data from Nicaragua and Honduras, we find that more educated women are less likely to victimize. Women with more children, those whose husbands abuse alcohol, and those whose fathers beat their mothers are more likely to be abused themselves.

The analysis of homicide determinants at the subnational level in this chapter shows that illegal drug trafficking is strongly associated with higher levels of homicide rates. Communities that experienced a more violent incidence of civil war do not currently face higher violent crime. The analysis shows that high levels of female headship—which may indicate a lack of monitoring and male role models for

youth—is associated with higher levels of violent crime. Finally, communities with a higher share of young men, the key population-at-risk as potential crime perpetrators, experience higher levels of murder.

## CHAPTER 2 THE COSTS OF CRIME AND VIOLENCE IN CENTRAL AMERICA

*Crime and violence have multiple costs and effects for the citizens of Central America. Some of the less recognized costs come through effects on attitudes. Majorities in every Central American country perceive crime and violence as a major threat to societal well-being, and large numbers say that a military coup would be justified in an environment of high crime. Evidence also shows that high crime reduces trust in the criminal justice system, increases support for vigilantism, and fuels a belief that the authorities do not need to respect the law when pursuing criminals. The economic costs of crime and violence are also substantial. Each year, security costs and losses due to crime cost businesses an amount equal to 3.7 percent of their sales. By one measure, the value of the lives lost and disability created by violence in the region comes to 1.2 percent of the region's GDP. Finally, one study suggests that the overall costs in economic terms sum to 7.7 percent of the region's GDP, and estimates of the effect on violence on growth imply that reducing crime could substantially boost growth in El Salvador, Guatemala, and Honduras. Rising crime, however, is unlikely to reduce the region's growing tourism industry; available evidence from a worldwide study suggests that non-political violence does not reduce tourism.*

The citizens of Central American countries have suffered greatly under the wave of crime and violence in the region. A wide literature has measured crime's effects in various ways. This chapter presents various measures of those effects, drawing both from previous work and original research carried out for this report.

The literature on the topic covers a wide ground, and a number of typologies of the costs of crime have been proposed. The World Health Organization (2004) draws a distinction between direct and indirect costs, while Buvinic and Morrison (1999) use a more complex typology and distinguish between the following:

Direct costs: the value of all goods and services used to prevent violence or offer treatment to its victims or perpetrators. This has been the most commonly estimated category of costs and includes health costs, police, justice and prison costs, as well as resources spent on private security measures.

Non-monetary costs: higher mortality and morbidity rates that result in pain, suffering and death, but not necessarily result in either expenditures on health care or in easily quantifiable economic losses.

Economic multiplier effects: impacts on human capital, labor force participation, lower wages and incomes, savings and macroeconomic growth.

Social multiplier effects: erosion of social capital, inter-generational transmission of violence and lower quality of life.

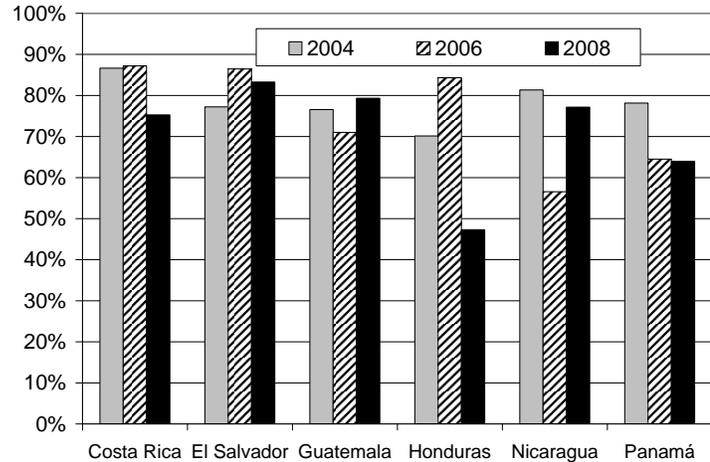
In this chapter, we consider costs—and more broadly the effects of crime and violence—through a number of different approaches, beginning with some measures of specific effects and then considering broader attempts to measure the total costs.

## 2.1 THREAT TO SOCIETAL WELL-BEING AND DEMOCRATIC STABILITY

One way to gauge the overall threat of crime is to ask people for their subjective estimate of crime’s danger. In 2008, across the six countries of Central America, 71 percent said that crime is “very much” a threat. (See Figure 2.1.) These figures show that Central Americans are very concerned about crime, but they also suggest that that concern is fairly constant across countries, irrespective of their levels of crime. Costa Ricans see crime as a threat just as much as residents of El Salvador, Guatemala, and Honduras.

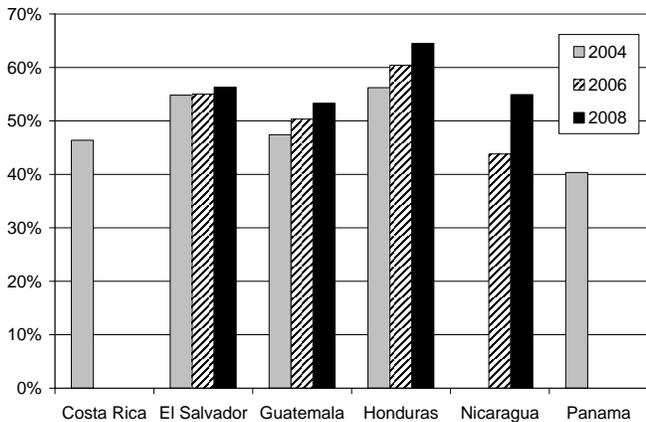
All the countries in the region, with the exception of Costa Rica, have emerged only relatively recently from authoritarian regimes, and in many cases their democratic institutions are fragile. High crime rates can inspire selective nostalgia for the authoritarian past, potentially destabilizing these budding democracies. In 2008, across the six countries of Central America, an average of more than half of adults (53 percent) said a military coup would be justified when crime levels are high, with the percentages increasing in recent years in Guatemala, Honduras, and Nicaragua (see Figure 2.2).

**Figure 2.1: Fraction of Adults Who Say Country’s Current Level of Crime is Major Threat to Future Well-Being**



Source: World Bank staff calculations based on LAPOP surveys.

**Figure 2.2: Fraction of Adults Who Say a Military Coup Would Be Justified When Crime Levels are High**



Source: World Bank staff calculations based on LAPOP surveys. Data is partial for some years because the relevant question is not asked in all countries in all years.

It is possible that these striking figures may reflect an overall favorable attitude towards military rule under any circumstance, and indeed similar numbers of adults said that a coup would be justified in the face of corruption. However, much lower percentages indicated a military coup would be justified when there is high employment, a lot of social protests, or high inflation.

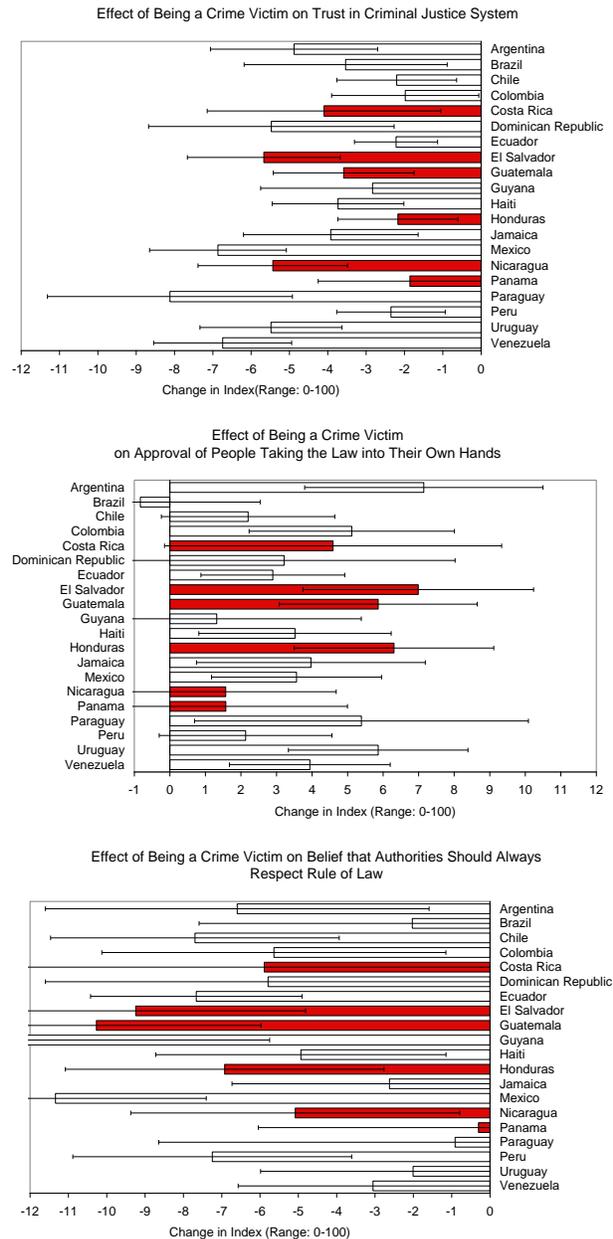
## 2.2 THE IMPACT OF CRIME VICTIMIZATION ON ATTITUDES TOWARDS CRIMINAL JUSTICE

Being a victim of a crime can affect people's attitudes. In particular, the emotional shock of being victimized, combined with first-hand experience with the criminal justice system, may alter one's belief about the proper way for authorities and individual citizens to confront crime. Empirically, it is difficult to determine the causal effect of victimization by merely examining the beliefs of victims vs. non-victims due to the fact that it is possible that those who are most likely to be victimized are different from the average citizen along other characteristics that affect their attitudes. Most importantly, the people at high risk for being crime victims are naturally those that live in areas with high crime prevalence. These people may well have different attitudes from those who live in lower crime areas, independent of whether they are actually victims or not.

Demombynes (2008) examines the effects of victimization on criminal justice attitudes using data for most countries in Latin America. The analysis controls for wealth, demographic characteristics, and, most importantly, fixed effects at the neighborhood (sampling cluster) level. This econometric strategy effectively determines the effects of victimization on attitudes by comparing victims to similar non-victims who live in the same neighborhoods. Effects were estimated for three indices, derived by scaling discrete responses to attitude questions to a scale from 0 to 100. The questions were as follows:

- 1) To what extent do you trust the criminal justice system? (on a scale from 1 to 7)<sup>11</sup>
- 2) How much do you approve or disapprove of people taking the law into their own hands when the government does not punish criminals? (on a scale from 1 to 10, where 10 is the highest level of approval).

**Figure 2.3: Effect of Victimization on Attitudes Towards Criminal Justice System, by Country**



Source: Demombynes (2009). The plotted figures show coefficients on crime victimization from country-specific regressions of three different indices on crime victimization and other covariates. Regressions include fixed effects at the sampling cluster level. Dependent variables are indices with ranges from 0 to 100.

<sup>11</sup> A tabulation of the trust in the criminal justice system variable is given in Chapter 6 of this report, which deals with criminal justice.

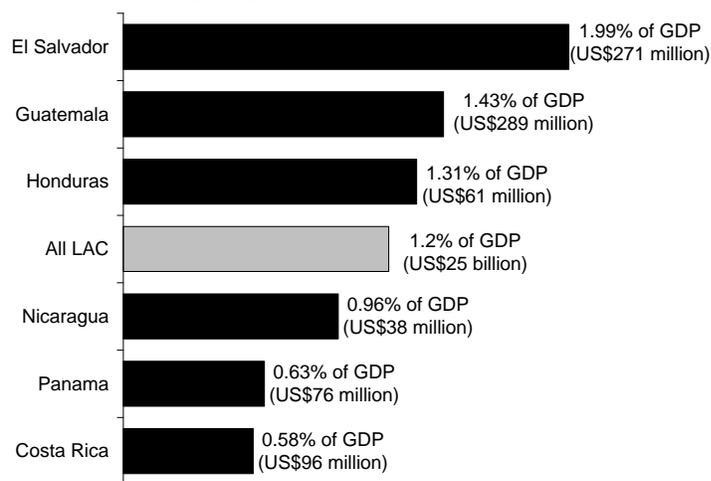
3) In order to apprehend criminals do you think that the authorities should always respect the law or that occasionally they can skate close to the limits of the law?

Overall, the analysis shows that being victimized by crime reduces trust in the criminal justice system by 4 points, increases the approval of people taking the law into their own hands by 4 points, and reduces the belief should always respect the law by 6 points. Figure 2.3 shows estimates of these effects country-by-country, with the Central American countries highlighted. Ten percent confidence intervals on the estimates are shown. Remarkably, the sign of the effects are nearly perfectly consistent across countries, although magnitudes vary. Differences across countries may reflect different types of crime that people experience, different cultural attitudes, or statistical variation. Most notable in the comparisons across countries is the relatively large negative effect of victimization in El Salvador and Guatemala on the belief that authorities should always respect the law. The reported estimates imply that being victimized in those countries makes an individual 9 or 10 percent (respectively) less likely to say that authorities should always respect the law. These results are worrisome because they imply that high levels of crime may feed vigilantism and support for brutal tactics that may themselves fuel greater levels of crime.

### 2.3 ECONOMIC VALUE OF DISABILITY-ADJUSTED LIFE YEARS LOST

The effects of threats to health, including disease and violence, are quantified by the World Health Organization (WHO) using a measure known as “disability-adjusted life years lost” (DALYs). For any given health condition in a particular country, DALYs are calculated as the sum of years of life lost due to premature mortality and the years lost due to disability. One year of life lost due to premature death counts as one full lost DALY, while one year living with less than full health, i.e. with “disability,” counts as a partial lost DALY. The WHO calculates country-specific estimates of DALYs lost to particular diseases and to violence.

**Figure 2.4: Cost of Violence in Terms of Economic Value of Disability-Adjusted Life Years Lost to Violence**



Source: World Bank staff calculations based on LAPOP surveys. Data is partial for some years because the relevant question is not asked in all countries in all years.

It is also possible to translate DALYs lost into dollar terms by multiplying DALYs by the value of each year lost. For DALYs lost to violence, Brown (2008) carries out this calculation, following the suggestion of the Commission on Macroeconomics and Health (2001), valuing a DALY at each country’s GDP per capita. Figure 2.4 shows these figures for the countries of Central America. Note that these figures reflect the combined effects of interpersonal, self-inflicted, and collective violence.

For Central America as a whole, these costs as a percentage of GDP are similar to the costs in the Latin America and the Caribbean region. In

both Central America and LAC overall, the costs amount to 1.2 percent of GDP. Naturally, at the country level, the economic costs in terms of lost DALYs are largest in countries with the highest levels of violence. El Salvador has higher costs as a percentage of GDP than any other country in Latin America

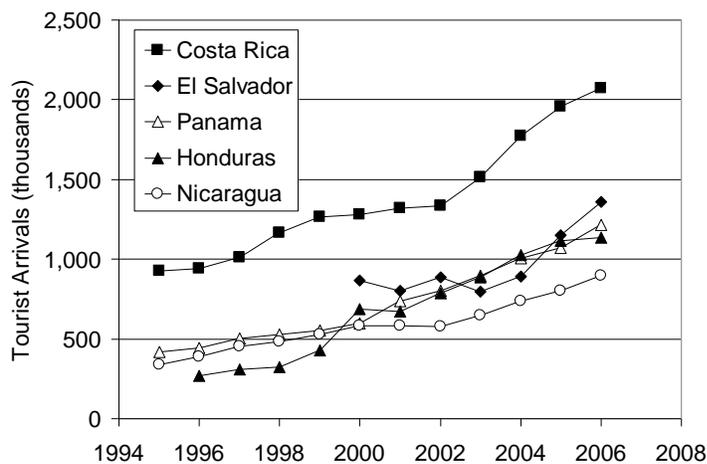
and the Caribbean, with the exception of Colombia, and ranks number 12 worldwide. Guatemala, Honduras, and Nicaragua, are number 21, 36, and 40 in the worldwide ranking.

## 2.4 EFFECT ON TOURISM

The rise of crime in recent years has caused concerns that crime may jeopardize the region's tourist industry. Faced with many options for their destinations, international tourists might shun areas with higher incidents of crime.

Most studies of the impact of crime and tourism rely on anecdotal or qualitative analysis in a small number of countries.<sup>12</sup> In one of the few rigorous quantitative studies, Neumayer (2003) examines a cross-country panel of violence and tourism outcomes. He finds strong evidence that human rights violations, violent conflict, and other politically motivated violent events reduce both the number of tourists and total tourist expenditures. However, his analysis shows no significant effect of *non-political* violence on tourism.

**Figure 2.5: Tourist Arrivals by Year for Countries of Central America**



Source: World Bank staff analysis of World Tourism Organization data.  
Note: Data was not available for Guatemala.

These findings broadly match the experience of Central American countries. Tourists were few during the regions' civil wars and political upheavals of the 1980s and early 1990s. Only peaceful Costa Rica saw tourism rise during that period. In all countries of the region, with violent political conflict subsided and relatively stable democratic governments in place, tourist arrivals have soared, even as homicide rates have risen. Both cross-country analysis and a casual examination of the Central American experience would suggest, contrary to conventional wisdom, that relatively high crime rates are compatible with a vibrant tourism industry.

It may be that non-political violence does not deter tourism because international visitors are largely insulated from its effects. Although figures on tourist victimization rates are not available, it is possible that visitors are less likely than residents to be victimized, particularly if, as in many countries, the government assigns a special unit of the police to protect tourists, or if tourists mostly frequent resorts and attractions that are isolated from the overall high-crime environment.

## 2.5 EFFECTS ON THE INVESTMENT CLIMATE

Crime and violence are major concerns for the investment climate in Central America. The head of El Salvador's National Private Enterprise Association, Federico Colorado, has called crime "a stone in the shoe of development."<sup>13</sup> Crime can potentially affect workers, by creating fear which may reduce

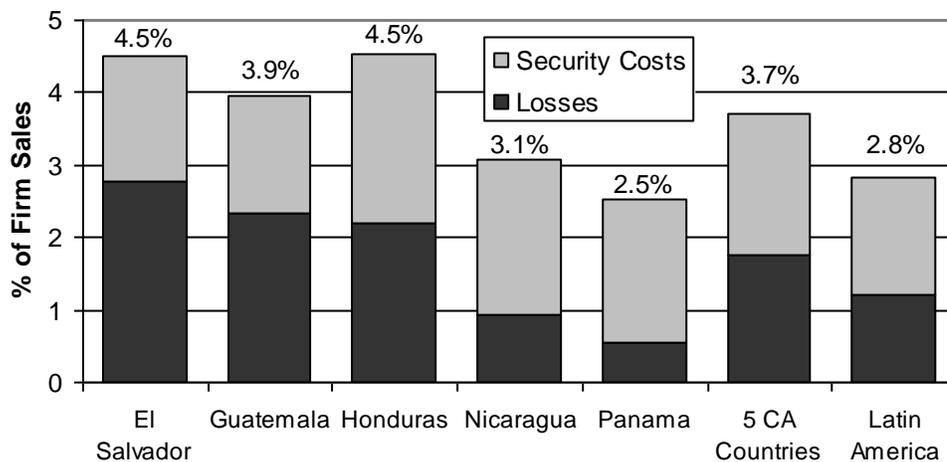
<sup>12</sup>Qualitative studies of violence and tourism include Teixeira (1995, 1997) for Brazil, by De Albuquerque and McElroy (1999) for the Caribbean, and Bloom (1996) and Ferreira and Harmse (2000) for South Africa.

<sup>13</sup>Latinnews.com (2005), cited in UNODC (2007).

productivity and increase absenteeism, and contaminates the investment climate, both deterring firms from investment and diverting resource from productive activities to crime prevention. Apart from the suffering crime against business causes in the form of violence and lost property, an environment of high crime reduces business productivity. Analysis by the World Bank (2007) shows that a high crime environment greatly reduces both firm sales and total factor productivity.

The 2006 Enterprise Surveys collected data on security costs and direct losses due to crime experienced by firms. For five Central American countries (excluding Costa Rica, which was not surveyed in 2006), the total of security costs and losses averaged 3.7 percent of firm sales, significantly higher than the 2.8 percent average for Latin America and the Caribbean as a whole. The combined costs of crime were 4.5 percent of firm sales in El Salvador and Honduras and 3.9 percent in Guatemala.

**Figure 2.6: Firms Security Costs and Losses Due to Crime as a Percentage of Firm Sales, 2006**



Source: World Bank analysis of 2006 Enterprise Surveys.

More detailed analysis presented in Demombynes and Hincapie (2008) shows that crime is not confined to businesses in certain sectors or those with particular characteristics. The costs of crime (security costs plus losses) as a percentage of sales are lowest in manufacturing firms, but are still high, averaging 2.9 percent of sales for the five Central American countries. Multivariate analysis shows that larger firms are more likely to be victimized by crime, but that average losses from crime as a percentage of sales are much higher for small firms. Small firms, which are often owned and operated by less well-off individuals, are those that suffer most due to crime.

Controlling for other firm characteristics, firms that export are at least 29 percent more likely to face some security costs. They are, however, less likely to experience losses due to crime, possibly due to their greater protective measures. The value of average losses due to crime are no higher for exporting firms than for firms overall.

The threat of crime can also affect business productivity through its affects on workers. The Enterprise Surveys asked whether in the previous year the firm had experienced increased in worker absenteeism as a result of crime and insecurity (for example, workers unwilling to work the night shift, or workers unable to work as a result of having been victims of crimes). For the average country in LAC, one in ten firms responded in the affirmative, compared to 14 percent of Central American firms. Large increases in

absenteeism were also reported in El Salvador (20 percent), Guatemala (16 percent), and Honduras (23 percent).

## **2.6 OVERALL COSTS MEASURED WITH THE ACCOUNTING APPROACH**

One popular approach to considering the overall costs of violence has been to use the “accounting approach” which involves attaching a dollar value to several particular costs and summing them to get a total figure, which can then be expressed as a percentage of a country’s GDP. This approach has both advantages and disadvantages. On the one hand, any specification of categories is necessarily arbitrary and some costs—such as the effect of crime on democratic stability—are impossible to put into meaningful dollar terms. On the other hand, a single number may be useful for summarizing crime’s myriad’s costs, for pointing a comparison point to assess the cost-effectiveness of interventions, and for communicating to economists and business interests used to thinking in monetary terms.

Detailed studies using the accounting approach have been conducted by the United Nations Development Programme for Guatemala (UNDP 2006) and Guatemala (UNDP 2005). A report prepared for El Salvador’s National Security Council (Acevedo 2008) applies the UNDP estimates along with data from a variety of sources to generate fairly comparable estimates for all the countries of Central America, with the exception of Panama.

Some of the costs considered in the Acevedo (2008) study have been discussed elsewhere in this chapter. The costs considered are grouped in four categories: health costs, institutional costs, private security costs, and material costs. Health costs include expenditures on medical attention, the value of lost production due to death and injury, and the suffering in terms of emotional damage of victims. Institutional costs cover government spending on security and the justice system. Private security costs tally those to both household and businesses. Material costs encompass property damage and losses suffered by both individuals and businesses. The main results from that study are shown in Table 2.1, and full details of the methodology are given in Acevedo (2008).

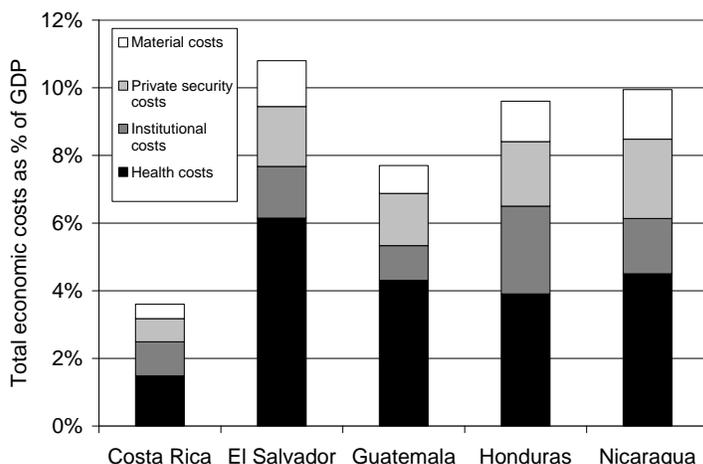
**Table 2.1: Total Economics Costs of Crime and Violence as Percentage of GDP by Major Category**

Type of Cost	Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica
<b>Millions of US\$</b>					
<b>Health costs</b>	<b>1281</b>	<b>1144</b>	<b>360</b>	<b>241</b>	<b>325</b>
Medical attention	69	82	24	44	10
Lost production	521	430	114	35	113
Emotional damage	691	632	222	162	202
<b>Institutional costs</b>	<b>305</b>	<b>285</b>	<b>239</b>	<b>87</b>	<b>221</b>
Public security	212	160	145	51	85
Administration of justice	93	125	95	36	137
<b>Private security costs</b>	<b>459</b>	<b>329</b>	<b>176</b>	<b>124</b>	<b>150</b>
Households	135	72	44	31	38
Businesses	324	257	132	93	113
<b>Material costs (transfers)</b>	<b>245</b>	<b>253</b>	<b>110</b>	<b>78</b>	<b>94</b>
<b>TOTAL</b>	<b>2291</b>	<b>2010</b>	<b>885</b>	<b>529</b>	<b>791</b>
<b>As percentage of GDP</b>					
<b>Health costs</b>	<b>4.3%</b>	<b>6.1%</b>	<b>3.9%</b>	<b>4.5%</b>	<b>1.5%</b>
Medical attention	0.2%	0.4%	0.3%	0.8%	0.0%
Lost production	1.8%	2.3%	1.2%	0.7%	0.5%
Emotional damage	2.3%	3.4%	2.4%	3.1%	0.9%
<b>Institutional costs</b>	<b>1.0%</b>	<b>1.5%</b>	<b>2.6%</b>	<b>1.6%</b>	<b>1.0%</b>
Public security	0.7%	0.9%	1.6%	1.0%	0.4%
Administration of justice	0.3%	0.7%	1.0%	0.7%	0.6%
<b>Private security costs</b>	<b>1.5%</b>	<b>1.8%</b>	<b>1.9%</b>	<b>2.3%</b>	<b>0.7%</b>
Households	0.5%	0.4%	0.5%	0.6%	0.2%
Businesses	1.1%	1.4%	1.4%	1.8%	0.5%
<b>Material costs (transfers)</b>	<b>0.8%</b>	<b>1.4%</b>	<b>1.2%</b>	<b>1.5%</b>	<b>0.4%</b>
<b>TOTAL</b>	<b>7.7%</b>	<b>10.8%</b>	<b>9.6%</b>	<b>10.0%</b>	<b>3.6%</b>

Source: Acevedo (2008).

Note: Panama was not included in the original analysis.

**Figure 2.7: Total Economics Costs of Crime and Violence as Percentage of GDP by Major Category**



Source: Acevedo (2008).

Note: Panama was not included in the original analysis.

The findings from the study are summarized in Figure 2.7, which breaks down the overall costs as a percentage of GDP by major category. Overall, for the five countries, the economic costs totaled 7.7 percent of GDP. Costs for Guatemala were at the regional average, while the costs in Honduras, Nicaragua, and El Salvador exceeded 9 percent of GDP, and the costs as a fraction of GDP were much lower in Costa Rica. The largest share of costs in all countries was health costs.

## 2.7 EFFECTS ON ECONOMIC GROWTH

Crime may affect the economy by deterring investment, increasing worker absenteeism, reducing productivity due to worker injuries, and diverting resources to crime prevention and security. One way to assess the aggregate effects is to estimate the impact of crime on overall economic growth using cross-country panel data. Because the estimates are based on data from across countries, they reflect an average relationship between crime and growth worldwide. This section reviews estimates produced using this method as part of a study of crime and violence in Brazil and the Caribbean (World Bank 2006 and 2007) and considers their implications for Central America.

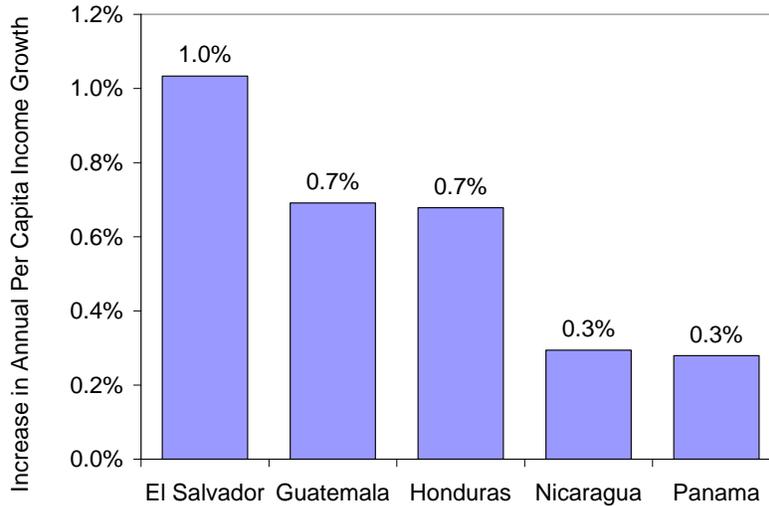
In this analysis, violent crime rates are measured using national homicide rates. Homicide rates are typically used for cross-country crime studies because they are thought to be least subject to variation in definition and reporting to authorities. (See Box 1.1 in Chapter 1 of this report.) The analysis follows the literature on the determinants of growth: GDP per capita is regressed on homicide rates, controlling for a country's level of income inequality, the cost of investment, and average male and female education.<sup>14</sup>

We can consider what these estimates imply for potential gains to economic growth from crime reduction in the Central America. Worldwide, the World Health Organization (2002) estimates that there were 8.8 murders per 100,000 population in 2000.<sup>15</sup> All the countries of Central America with the exception of Costa Rica, which had 7.7 murders per 100,000 population 2007, have recently experienced homicide rates far above the worldwide average. El Salvador's murder rate reached 49.2 per 100,000, one of the highest in the world. What would be the gain in economic growth for the other countries of the region if they were to bring down their homicide rates by ten percent? Estimates from this simulation are shown in Figure 2.8.

<sup>14</sup> The analysis employs the Arellano and Bond (1991) GMM estimator, which provides consistent estimates of the effect of the explanatory variables on the outcome under the identifying assumption that the explanatory variables are not correlated to the time-variant components of the error terms.

<sup>15</sup> This figure does not include war-related deaths, which were 5.2 per 100,000 population worldwide.

**Figure 2.8: Potential Boost to Annual Economic Growth Rate from Reducing Homicide Rate by 10%**



Source: Analysis based on World Bank (2006) and homicide data from various sources.

The results suggest very large potential gains from reduction in violence for the countries in the region with the highest murder rates. The estimates imply that El Salvador could boost economic growth per capita by 1.0 percent and that Guatemala and Honduras could increase growth by 0.7 percent. Nicaragua and Panama would also benefit substantially, with potential growth rate increases of 0.3 percent. Because the estimated effects are on annual growth, they are cumulative over time, suggesting that over the long term the impact of crime reduction on welfare would be very high.

It is important to note, however, that these estimates carry substantial uncertainty, and the upper range of these estimates, particularly that for El Salvador, seem implausibly high. These estimates are derived by applying estimates from a linear model, which captures mean effects across all the countries of the world, and thus are of more questionable validity when applied to extreme values. Additionally, it is clear that the causal relationship between growth and crime may go in both directions. While crime may reduce growth through mechanisms described earlier, lower growth can also spur crime by reducing non-criminal economic opportunities. The econometric strategy behind the estimates presented above only imperfectly addresses this causality issue. Given the challenge of isolating the causal effect of crime on growth, these estimates should be taken as only suggestive. Nonetheless, paired with the micro-level analysis of the effects of crime on business, they do suggest that crime may be a substantial drag on economic development.

## 2.8 CONCLUSIONS

The work presented in this chapter indicates clearly that the costs of crime and violence are substantial in Central America. Table 2.2 summarizes the key points discussed. In some cases, the findings may be surprising, particularly the lack of evidence for an effect of non-political violence on tourism and the very high level of sympathy for a military coup when crime levels are high. Both the estimated effects of crime on growth and the total cost estimate using the accounting method leave no doubt that crime should be viewed as a development problem.

**Table 2.2: A Summary of Findings on the Costs of Crime and Violence in Central America**

Type of Cost or Methodology	Finding
Threat to societal well-being	71% of Central Americans say that crime is “very much” a threat to their society’s well-being.
Threat to democratic stability	53% of Central Americans say a military coup would be justified when crime levels are high.
Impact on attitudes towards criminal justice	Being a victim reduces trust in criminal justice system and increases support for people taking the law into their own hands. In El Salvador and Guatemala, being victimized makes one 9 and 10 percent, respectively, less likely to say that authorities should always respect the law.
Economic value of disability-adjusted life years lost	The costs of lost life and disability due to violence amount to 1.2% of the region’s GDP
Effect on tourism	A worldwide cross-country study found no effect of <i>non-political</i> violence on tourism.
Effects on the investment climate	The combination of security expenses and losses to crime costs Central American businesses an average of 3.7% of firm sales.
Overall costs measured with the accounting approach	One study of five countries in the region estimated that the total costs of crime sum to 7.7% of GDP.
Effects on economic growth	Results from previous World Bank studies imply that reducing homicide rates could boost growth in GDP per capita by 0.7-1.0 percent in the El Salvador, Guatemala, and Honduras.

## CHAPTER 3 DRUGS AND VIOLENCE IN CENTRAL AMERICA

*Vast quantities of narcotics flow through Central America each year, due to the fact that the region is located directly between the world's cocaine producers and consumers. Evidence suggests that drug trafficking through the region has increased in recent years but that Central Americans themselves are not involved at high levels in the drug cartels, which are principally Mexican and Colombian. The "value-added" for cocaine which transits the length of Central America from Colombia to Guatemala is approximately \$7 billion/year or 5 percent of the region's GDP. The countries of the region have been overwhelmed by sophisticated drug organizations with immense resources relative to those available to the Central American governments, leading to pervasive drug-related corruption in the region's criminal justice systems. The limited available data does not indicate, however, that drug use is particularly high in the population as a whole. Drug trafficking can drive violence through a number of channels, and some research suggests that where corruption is rife, increased enforcement can be counter-productive. There have been some recent prominent calls to reconsider drug policy and to focus efforts chiefly on a public health or harm reduction approach.*

Central America suffers from being positioned between the cocaine-producing areas of the world (chiefly Colombia, Peru, and Bolivia) and the main markets for this drug (the United States and Europe). This chapter examines drug trafficking in the region, drug consumption, and the relationship between drugs and violence.<sup>16</sup>

### 3.1 LEVELS AND PATTERNS OF DRUG TRAFFICKING

Central America is a central transportation route for drugs bound for the United States. While this traffic includes some marijuana and heroin produced in the region, cocaine shipped from South America is the dominant commodity. The United States government estimates that 90 percent of the cocaine that enters the U.S., approximately 560 metric tons in 2007, were shipped through the Mexico-Central America Corridor. The official seizure figures show that 72 metric tons (13 percent) were intercepted in Central America. According to studies by the United Nations Office on Drugs and Crime, the dominance of the Central American transit corridor is a relatively recent occurrence. Most cocaine was shipped through the Caribbean until the early to mid-1990s, when traffickers began to shift to the Central America-Mexico route. The shift to Central America-Mexico corridor has been attributed both to greater law enforcement interdiction in the Caribbean and the rise of the Mexican drug cartels (UNODC 2008).

Knowledge of drug trafficking in Central America is fragmentary. The primary sources of information are reports on narcotics seizures collected by national governments and the United Nations Office of Drugs and Crime (UNODC) and the United States government's annual International Narcotics Control Strategy Reports (INCSR), which are based on various data sources and intelligence reports. Other sources of information include qualitative studies, press reports, and domestic usage studies.

The overall picture that emerges from the combined sources is of an extremely dynamic and innovative trafficking industry that transports narcotics from South America to markets in the United States via a vast number of routes across Central America, often using multiple modes of transport with complex logistical support. Shipments may take place via private and commercial aircraft, buses, passenger cars, tractor-trailer trucks, go-fast boats, small fishing boats, cargo ships, submarines, and the postal system.

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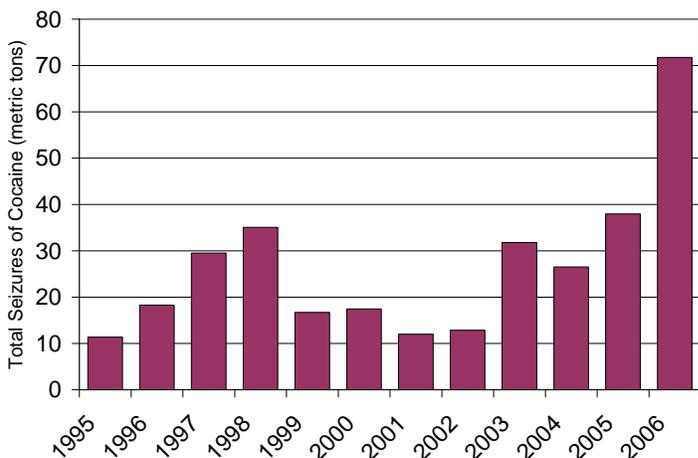
<sup>16</sup> This chapter is based in part on a background paper produced by Jeffrey Miron (Harvard University.)

Some analysts have concluded that interdiction of maritime shipments has pushed more traffic to land-based routes (Stratfor 2009a.) At the same time, the U.S. military estimates that Colombian traffickers build 60 to 75 fiberglass semi-submersible vessels each year, which are in total capable of carrying 8 metric tons of cocaine, or approximately the country’s entire annual exports of cocaine (Brown 2009).<sup>17</sup>

Data on narcotics seizures is necessarily difficult to interpret. In the simplest formulation, the volume of seizures is a result of the amount of trafficking and the probability that a particular unit of narcotics is seized. The probability of seizure most likely increases as more resources are devoted to enforcement. Thus an increase in the volume of seizures may represent either more enforcement or more trafficking. Figure 3.1 shows total seizure for the six Central American countries for recent years. Total seizures in 2005 and 2006 were the largest ever reported, suggesting that either enforcement or trafficking, or both, have increased.

### 3.2 ECONOMICS AND STRUCTURE OF THE DRUG TRADE IN CENTRAL AMERICA

**Figure 3.1: Seizures of Cocaine in Central America, 1995-2006**



Source: World Bank staff calculations based on United Nations Office of Drugs and Crime data.

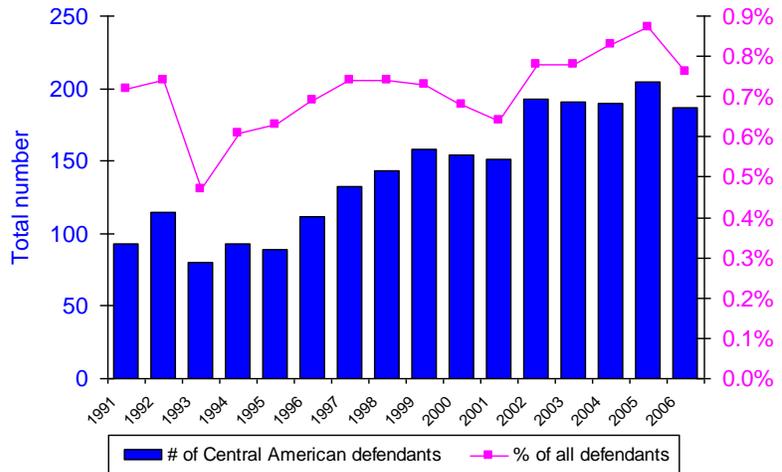
Evidence on the structure of the drug trade is limited. What information that is available comes from the perceptions of law enforcement officials and occasional accounts by traffickers themselves.<sup>18</sup> Such accounts indicate that trafficking through Central America is managed by Colombian and Mexican cartels. These organizations employ Central Americans for logistical support but are not integrated with local organized crime networks. The INCSR (2008), for example, concluded that “Transnational street gangs are not major narcotics trafficking organizations, per se, but are involved in street level drugs sales.”

<sup>17</sup> According to press reports, the semi-submersible vessels are used for just one one-way trip and then scuttled.

<sup>18</sup> See, for example, López (2008) an account by a former Colombian trafficker.

By anecdotal accounts, the people who transport narcotics are typically low level employees of trafficking organizations. In qualitative work conducted as part of this report, a rural farmer near the northern coast of Colombia explained that the cartels typically recruited his neighbors as crews for the small go-fast boats that transported cocaine northward along the Caribbean coast. Thus the fact that drug seizures have sometimes involved Central Americans does not indicate that Central American organizations are involved in the trade. As part of the work on this study, Demombynes and Hincapie

**Figure 3.2: Central American Defendants Sentenced in the U.S. Federal Courts for Drug Trafficking, Total Number and as Percentage of All Trafficking Defendants, By Year**



Demombynes and Hincapie (2008)

(2008) examined the citizenship of individuals sentenced in the United States for federal drug trafficking crimes. Those who are convicted of drug crimes in federal courts (as opposed to state and local courts) are typically higher level traffickers rather than low level employees. Although the absolute number of Central Americans sentenced nearly doubled 1991-2006, federal drug trafficking convictions increased dramatically as well, so that the percentage who are Central American rose just slightly. In 2006, 187 Central Americans were sentenced for trafficking, representing just 0.8% of all federal trafficking convictions. (See Figure 3.2.)

A basic sense of the economics of the drug trade emerges from examination of the wholesale value of cocaine along the Pacific coast route between Colombia and the United States. Figure 3.3 presents reports of the wholesale price taken from various sources between 2005 and 2008. The wholesale price of a newly minted kilo of cocaine is approximately US\$1000 on the Caribbean coast of Colombia, and it rises sharply in value passing along Panama, Costa Rica, Nicaragua, Honduras, reaching \$13,000 in Guatemala. In the United States, its value rises to over \$30,000 wholesale and over \$100,000 on the retail market.

Another way to consider the scale of the volume of cocaine that passes through the region is to recognize that the 560 metric tons of cocaine shipped through the region is equivalent to 14 grams for each of the 40 million people in Central America. The street value in the United States of 14 grams of cocaine is approximately US\$2300.<sup>19</sup>

<sup>19</sup> This calculation is based on the U.S. Drug Enforcement Agency’s report that the retail price of cocaine in June 2007 was US\$166.90/gram

The above figures imply that the “value added” of cocaine traveling the length of Central America from Colombia to Guatemala is equal to roughly \$12,000 per kilo, or nearly \$7 billion per year. This is equivalent to 5 percent of the region’s GDP. Similar calculations for the value of the heroin produced in Colombia shipped through the region, along with the heroin produced in Guatemala, yield much smaller figures: in the order of \$100 million per year value added.

While substantial, the potential influence of drug transshipment in the Central American economy is not overwhelming. The value added of cocaine and heroin shipped through the region is much less, for example, than the \$12.1 billion in remittances received by the region in 2007 (IADB 2007). It is very likely that most of the value added is retained as profits by Colombian and Mexican traffickers and that only a minority portion is paid for goods and services in Central America. Therefore, by a conservative estimate, perhaps at most 2 percent of the region’s GDP is tied to drug trafficking. Most likely trafficking is major factor in the economy in particular areas (see, for example, the discussion of Nicaragua’s Atlantic Coast in Box 3.1), but these rough calculations show that the Central American economies are not driven in any important measure by the drug trade.

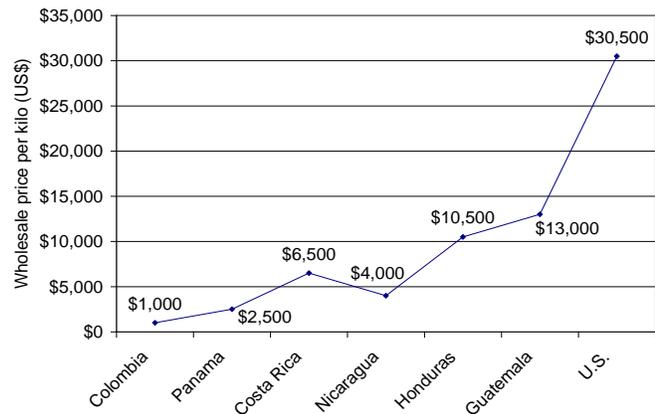
In other terms, however, the economic power of the trafficking organizations is massive. The value-added of cocaine transiting the region is roughly 20 times Panama’s and Guatemala’s combined 2007 defense budget of \$364 million, and it is more than 100 times the \$65 million allocated by the United States under the Mérida Initiative to assist interdiction efforts by Central American nations.<sup>20</sup> This gives the drug trafficking organizations resources which dwarf those attempting to apprehend them.

### 3.3 CORRUPTION ASSOCIATED WITH DRUG TRAFFICKING

The limited information available indicates that narcotics-related corruption is rampant in many Central American countries. The INCSR (2008) reports that in Nicaragua “corruption is a pervasive and a continuing problem in law enforcement and the judiciary,” and that “public corruption is a problem in Honduras, including police and the judiciary. The [Government of Honduras] reports that drug trafficking and other organized crime activities are directed from the prisons and by current and former government and military officials.” The INCSR also notes that, “The use of bribery and coercion in the drug trade contribute to pervasive public corruption and undermines the [Government of Panama’s] criminal justice system.” Drug-related corruption appears to be particularly fierce in Guatemala. The INCSR (2009) says that “money from the drug trade has woven itself into the fiber of Guatemalan law enforcement and justice institutions,” and the INCSR (2008) finds the following:

The Government of Guatemala (GoG)’s attempts to address drug trafficking have been hampered by narcotics-related corruption, a major concern for the U.S....

**Figure 3.3: Approximate Wholesale Price of Cocaine Along Atlantic Coast Transport Route**



Source: UNODC (2008) and various sources.

Note: Countries are shown from south to north.

<sup>20</sup> Latin American Commission on Drugs and Democracy, 2009

The police in general are suspected of corruption at many levels. The GoG has attempted to correct this by purging the police of corrupt officers. 1,215 police officers were removed from the police in 2007, primarily for corruption. ....

[I]n practice, there is corruption of some police, judges and other public officials, especially at the local level. This has been fostered and exploited by the narcotics traffickers. During 2007, the Ministry of Government fired hundreds of police officers, including many from the antinarcotics and port security units, to weed out corrupt officials. Despite the serious GOG steps to address narcotics-related corruption, the severity of the problem continues to hamper law-enforcement actions against organized crime. In February, three visiting Central American parliamentarians and their driver were murdered, and the murder was tracked to Guatemalan police officers. The police officers were arrested and, subsequently, were themselves murdered while being held in prison before trials. This is a strong indication of infiltration by organized crime in the criminal justice system.

Another study (Due Process of Law Foundation, 2007) highlighted “the frequent incidence of drug trafficking as a cause of judicial corruption in several nations of the region.” It presents several case studies, including the following from Honduras:

At the defense attorney’s request, the presiding judge ordered house arrest for the accused in lieu of a pretrial detention order, leading to the escape of several individuals accused of illicit drug trafficking. What is noteworthy in this case is that the modification of the detainees’ legal status was based on certain irregularities (suspicious change in paper records, inadequate identification of residence to justify the substitution) that seemed to point to complicity among the different criminal justice officials involved to illegally benefit members of drug trafficking organizations.

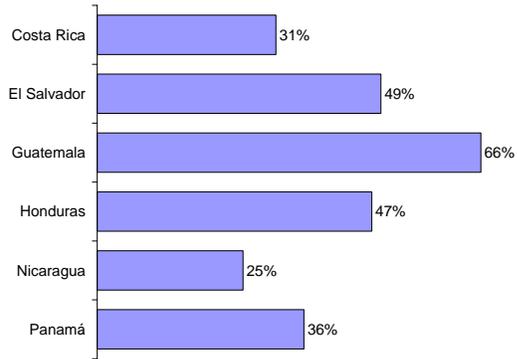
The same report describes another case from Guatemala:

In this case from 2001, a first instance criminal court judge routinely ordered the release of groups of drug traffickers, even after they had been surprised with enormous quantities of drugs in their possession. One example is the release several individuals who were apprehended with 380 kilos of cocaine in their possession and were facing accusations of illicit drug trafficking. After a complaint was presented, the disciplinary control agency detected a pattern of official behavior that benefited drug trafficking in general through the use of “guaranteeist” arguments: other entities of the criminal justice system (the police for instance) would fail to adequately perform their duties or commit “irregularities.” The judge, in turn, would then use this as grounds for ordering the release of the accused and close the case....

[W]e were able to confirm the same pattern of behavior in other cases: apprehension agents, prosecutors, and lower-level judges who engage in a series of procedural anomalies that later serve as justification to free the accused....

[I]n no case did those responsible for these anomalies suffer any consequences for their behavior.

**Figure 3.4: Fraction of Adults Who Say Local Police are Involved in Crime**



Source: World Bank staff calculations based on 2008 LAPOP surveys.

The extremely high levels of corruption of the police are reflected in the Latin American Public Opinion Project surveys. When asked whether the local police protect people from criminals or are involved in criminal activity, two-thirds of Guatemalans said that the police are involved in crime. Nearly half of Hondurans and El Salvadorans have the same opinion of their local police. (See Figure 3.4.)

### **Box 3.1: Case Study of Nicaragua's Atlantic Coast**

The narcotics trade has dramatically altered the local economy in some areas in recent years. A number of sources describe the transformation in the Atlantic Coast region of Nicaragua as particularly stark. According to the 2006 INCSR,

The depressed regional economy makes the illicit drug trade extremely attractive to local residents, and Nicaraguan law enforcement points to the surprising number of new homes and hardware stores appearing in the region as evidence that more people are being lured into the drug business. In some communities, drug smuggling has become the principal economic activity, creating concern that an incipient "narcotics culture" is emerging.

This picture was confirmed by work undertaken as part of the World Bank's 2008 Nicaragua Poverty Assessment which involved both a quantitative and a qualitative panel survey. In the qualitative work residents of Bluefields described local involvement in the drug trade as being very common. They further explained that local fishermen regularly gather waterproof bags of cocaine that are tossed off speedboats by traffickers when they are pursued by law enforcement authorities. According to residents, they can then sell the cocaine at the price of \$4000 per kilo. The Bank study also included a community in the northern Atlantic Coast region which had experienced a tremendous boost to its income when an airplane full of drugs crashed near the community. Residents sold or traded the drugs, and the panel study showed a major gain in their consumption levels. The situation was described by one resident as "winning the lottery." Elsewhere in the region, in a rural community in the Atlantic north, residents reported that drugs have become a problem for the youth, with one person remarking "they not only traffic it but also consume it."

A 2007 news article offered a similar account:

"On the islands, entire communities provide logistics support for the narcos," said Captain Manuel Mora, chief of Nicaragua's Atlantic Naval Command. "Everybody is involved, one way or the other. Everybody."

Rags-to-riches tales involving seaborne cocaine have become part of the local lore on the coast, and the islet of Sandy Bay is spoken of frequently. A Miskito-speaking community of a few hundred people, it has changed from wooden shacks and transistor radios to solid homes built of stone and sprouting satellite dishes. "Somebody who fishes out a cocaine parcel would see it as a blessing from God, not a reason to alert the authorities," said Capt. Jose Echeverria, head of the port authority in Bluefields. "Take poverty and joblessness, add easy money and you get a bad mix."

The mix gets even worse, Bluefielders say, when cocaine replaces cash as payment for services rendered, a trend that has accelerated over the past few years. As a result, drug addiction has become a growing problem in Nicaragua, particularly on the Atlantic Coast. Crack is sold openly in several neighborhoods of Bluefields, where groups of young men waiting for customers stand in front of ramshackle houses. Prices have gone up, the local people say, because of a series of offshore cocaine busts last year. But at around \$1.50 a "rock," it still finds clients. There are at least 65 known crack houses in the town.

"It's a sad thing to say," remarked Luis, a retired fishing boat captain who did not want his last name used. "But it is hard to find a Bluefields family which has not been affected by drugs." That includes his own family. "I have 11 children and one of my sons has gone to work for the narcos. I told him that was a bad idea. He didn't listen."<sup>21</sup>

### **3.4 DRUG USE IN CENTRAL AMERICA**

Concern about narcotics consumption has mushroomed in recent years in Central America in part because of perceptions of widespread drug use among gang members in the region and because of reports that payments by drug traffickers to locals who provide logistical support are often made in kind, leading to a flood of cheap drugs on the local market. (See for example the case of Nicaragua's Atlantic Coast described in Box 3.1.)

<sup>21</sup> Reuters, 2007 <http://www.reuters.com/article/inDepthNews/idUSN2326993620070130?sp=true>

The hard evidence that drug abuse is a major problem in Central America is surprisingly thin. Following the model of drug use tracking in the United States, narcotics consumption in Central America has mainly been assessed through the use of secondary school surveys. The obvious problem with such an approach is that in several countries of the region, most young people do not attend secondary school, and those not in school are probably more likely to be drug users. In Guatemala and El Salvador in particular, less than a third of those of secondary school age are enrolled. These surveys also suffer from the danger that respondents might underreport drug use for fear of punishment by school authorities.

One such survey was conducted across the countries of Central America during 1999 and 2000 among students at ages near 16. In that survey, in each country, ten percent or fewer of the students surveyed reporting having ever used any drug. (See results in Table 3.1). A similar survey of secondary school students in 2003 in El Salvador Guatemala, Nicaragua, Panama, and El Salvador showed even lower rates of drug use (CICAD, 2004). These surveys show that marijuana and inhalants are the most common drugs used, with cocaine use occurring among only a tiny fraction of students. Other surveys conducted among secondary school students in Guatemala, Nicaragua, and Panama in 2002 showed similar results. Analysis with the 2002 surveys showed that drug use was associated with repeating grades, discipline problems, and not living with one or both parents (CICAD, 2006).

**Table 3.1: Secondary School Net Enrollment Rates and Use of Illicit Drugs**

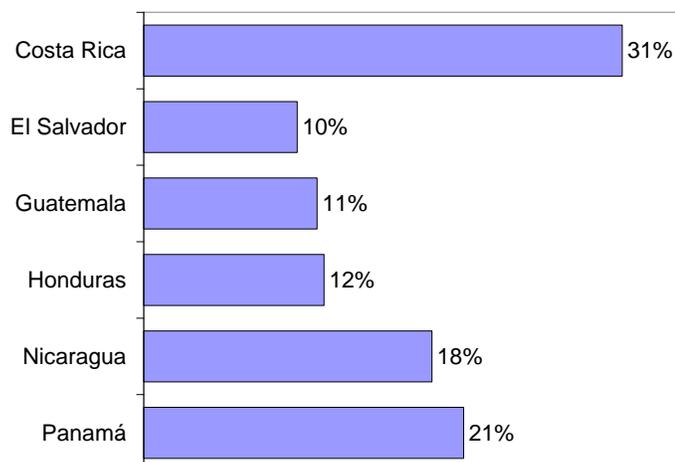
Country	Year	Secondary School Enrollment Rate	% of Secondary Students Using in the Past Year (2003)			
			Any Illicit Drug	Marijuana	Cocaine	Inhalants
Costa Rica	2005	61.8%	10%	10%	1%	6%
El Salvador	2004	31.6%	8%	7%	2%	6%
Guatemala	2004	30.2%	4%	3%	1%	2%
Honduras	2006	44.6%	4%	3%	1%	5%
Nicaragua	2005	42.4%	6%	5%	1%	4%
Panama	2004	71.8%	4%	3%	0.4%	2%

Source: SEDLAC database and Dormitzer et al (2004).

Other surveys also show fairly low levels of drug use but suffer from similar selection problems and the potential fear of punishment in acknowledging drugs use. A 2005 survey showed that only 4.5 percent of prisoners in El Salvador acknowledged use of crack or cocaine in the previous year (Ministerio de Gobernación, El Salvador 2005). However, the survey was only conducted among prisoners enrolled in education programs, who are probably the least likely to be using drugs. A 2006 survey of the population age 12-65 in El Salvador reported barely perceptible levels of narcotics use: less than 0.5 percent for cocaine or crack, and below 1 percent for any drug.

Contrary to the picture of mild drug use painted by the usage surveys, the limited data on *availability* of drugs suggests that they are not hard to obtain. In the same El Salvador survey in which very few acknowledge using drugs, a majority report that obtaining illegal drugs is easy or very easy. Similarly, the nationwide LAPOP surveys show fairly high percentages of respondents who report having seen someone selling drugs in their neighborhood in the past month. (See Figure 3.5). These figures are particularly high for the least violent countries in the region: Costa Rica (31 percent) and Panamá (21 percent). Finally some qualitative work in major trafficking zones, along with press reports and accounts from those who work with at-risk youth suggest that drug use is prevalent, at least in some areas and among those in youth gangs.

**Figure 3.5: Percentage of Adults Who Have Seen Someone Selling Drugs in Their Neighborhood in the Past Month, 2008**



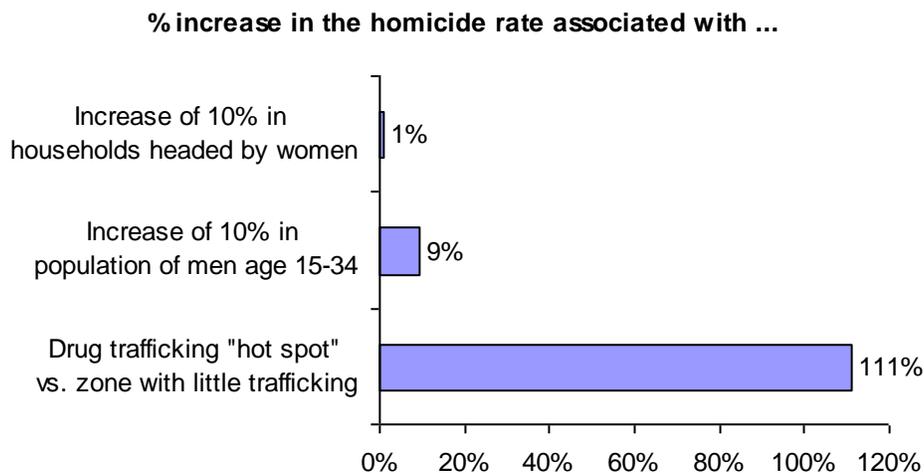
Source: World Bank staff calculations based on LAPOP data.

As a whole, in light of this evidence, plus the sample selection problems and likely underreporting in the usage surveys, it is likely that drug use levels are higher than the usage surveys suggest. However, there is no evidence that the vast international drug trade has spilled over into epidemic levels of drug use in the region as a whole. The best read of the imperfect data is that high levels of drug consumption are found only in populations in particular at-risk groups.

### **3.5 THE LINK BETWEEN DRUG TRAFFICKING AND VIOLENCE**

One of the most pervasive by-products of the drug-trafficking industry is violence. In analysis undertaken as background work for this study and described in Chapter 1, Cuevas and Demombynes (2009) find that drug-trafficking is an important driver of crime in the region. This finding stems from econometric analysis which shows that within countries of Central America, high levels of trafficking are associated with homicide rates that are 111 percent higher than those of areas with low drug activity. Trafficking is quantitatively much more important than the other risk factors for violence identified in the study: the presence of a large population of young men, and high incidence of female household headship.

**Figure 3.6: Key Risk Factors for Homicide in Central America**



Source: Cuevas and Demombynes (2009).

Note: Figures shown are selected coefficients from regressions of log homicide rates at the subnational level on explanatory variables. All coefficients shown are significant at the 5% level and are robust to specifications controlling for the other demographic characteristics, the incidence of organized armed conflict, employment, education, income, and urban/rural divisions.

To our knowledge, this is the first study to examine the relationship between homicide rates and drug trafficking using subnational data for multiple countries or for any developing country. Broadly similar results, however, have been found in studies examining homicide rates across cities in the United States (Brumm and Cloninger 1995) and across police jurisdictions in Florida (Rasmussen, Benson, and Sollars 1993). Additionally, Fajnzylber, Lederman, and Loayza (1998, 1999) show that, controlling for a wide range of factors, countries that are drug producers or have high drug possession arrest rates have higher homicide rates.

Why is drug trafficking associated with violence? Although there is little evidence specific to Central America on this question, the links between drugs and violence are the subject of a substantial literature, most of which focuses on the United States.<sup>22</sup> In the influential formulation of Goldstein (1985), there are three possible ways illicit drugs can generate violence:

1. Violence due to the direct effects of a drug on the user (psychopharmacological).
2. Violence carried out in order to generate money to purchase drugs (economic-compulsive).
3. Violence associated with disputes over drug territory, drug debts, and other drug-trade related issues (systemic).

Overall, according to MacCoun, Kilmer, and Reuter's (2003) review, the "prevailing view about psychopharmacological ... violence is that it is rare and attributable mostly to alcohol rather than illicit drugs" and "economic-compulsive criminality is relatively rare," with the exception of that carried out by heroin addicts. That leaves connections in the third category as the main explanation for the drug-violence connection. Both psychopharmacological and economic-compulsive connections are associated with drug *consumption*, while systemic links are tied chiefly to *trafficking*. Given that there is no evidence that drug consumption is particularly elevated in Central America and that the region is one of the world's major

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<sup>22</sup>This section of the report draws heavily from Miron's (2008) background paper, which was prepared for this report, and also MacCoun, Kilmer, and Reuter's (2003) review of research of the links between drugs and crime

drug transport corridors, systemic links are almost certainly behind the drug-violence connection in Central America.

Systemic ties between drug and violence fall into a number of subcategories.

- **Between trafficking organizations.** Drug traffickers do not have access to the courts and other legal mechanisms. For example, they cannot use the legal system to adjudicate commercial disputes such as non-payment of debts. They cannot sue for product liability, nor can sellers use the courts to enforce payment. Along a different line, rival firms cannot compete via advertising and thus might wage violent turf battles instead. Thus, disagreements are more likely to be resolved with violence. It seems likely that at least a portion of the murders in Central America are of this type, given that trafficking in the region may involve the transfer of narcotics between Colombian and Mexican organizations.
- **Within drug trafficking organizations.** Because they are black market firms, drug organizations are unable to establish formal structures with the platform of the legal system. For example, they risk legal penalties if they report their employees for misuse of company funds or property. Consequently the lines of power are by nature informal. Within such a system, violence can be a disciplinary tool for organization leaders and can also be a path to upward mobility within the organization. Although it is extremely difficult to gauge, this may account for some homicides in the region.
- **Via diversion of criminal justice resources or corruption of criminal justice system.** Many researchers have noted that even in a perfectly functioning criminal justice system, drug trafficking can indirectly increase violence if criminal justice resources are diverted to anti-drug efforts, reducing the criminal justice system's ability to handle non-drug crime. In countries deeply affected by drug trafficking, the damage can be more severe. When drug trafficking corrupts the criminal justice system—buying off police, judges, and prosecutors—the system's functioning for non-drug crime can be crippled, leading to higher levels of crime and violence not associated with drugs. Also, traffickers who have already corrupted the justice system through payoffs or threats to the authorities, and thus do not fear prosecution, may be more likely to use violence to settle disputes not related to trafficking. Although direct evidence is not available, it is likely that this channel accounts for a large portion of the drugs-violence connection in the region. As the accounts earlier in this chapter describe, corruption is pervasive in the police and criminal justice systems in El Salvador, Guatemala, and Honduras, which has undoubtedly restricted the ability of the authorities to confront violence.
- **Via gun diffusion.** If trafficking brings more guns, or heavier weapons into an area, their easy availability could facilitate violence, both related and not related to the drug trade. Research in the United States has suggested that violence was prevalent around the period of the crack epidemic in the United States because the trade fueled demand for guns, leading to diffusion of guns (Blumstein, 2000; Blumstein and Cork, 1996; Cork, 1999). The Latin American Commission on Drugs and Democracy highlighted this linkage: "The relationship between homicide, firearm, and drug commerce is central. Drugs finance the purchase of firearms, which sustain gang wars for control of territories and trafficking."
- **Via enforcement of prohibition** Enforcement of anti-drug laws involves arresting people, seizing drugs, and other activities which carry with them the risk of a violent confrontation between law enforcement agents and people who they suspect of violating the drug laws.

### ***Enforcement-Violence Linkages***

A number of researchers have argued that under certain conditions, aggressive drug enforcement may actually amplify violence (Eck and McGuire 2000, MacCoun and Reuter 2001, Reuter 1989, Riley 1998). The possible mechanisms are numerous. First, as suggested above, greater enforcement can divert resources that would otherwise go to fighting non-drug crime. Greater enforcement can also disrupt established trafficking patterns, generating new violence in competition between traffickers.

More importantly, as noted by World Bank researchers, “when there are high rents from criminal activities and the costs of bribing are low, intensified sanctions and policing may actually generate the perverse consequences of promoting organized crime, widespread corruption, and higher crime rates” (Keefer, Loayaz, and Soares 2008.)

More specifically,

The existence of a potentially large drug market means that there are large rents to be collected by producers and/or distributors. But since the market operates illegally, organized groups have a comparative advantage in setting up a distribution network and the associated enforcement of distribution contracts. These groups substitute for the state and other market institutions that would otherwise provide these services. However, the organized-crime enforcement of contracts entails violence, and violence is also used to raise entry barriers for potential competitors. (Kugler, Verdier, and Zenou 2004)

Similarly, Becker, Murphy, and Grossman (2006) note that if the demand for drugs is inelastic, increased enforcement will increase the price and reduce consumption but will also increase the total resources available to traffickers. With more cash in hand, traffickers are better equipped to bribe criminal justice officials and purchase weapons.

Some evidence for this hypothesis comes from a long-term look at the evolution of violence in the United States. Miron (1999) and Dills, Miron and Summers (2008) show that increases in enforcement of drug and alcohol prohibition in the United States over the past 100 years have been associated with increases in the homicide rate.

Mexico and Colombia provide two case studies of the relationship between enforcement and violence. Since early 2007, the government of Mexico has pursued a strategy of confrontation with the Mexican drug cartels. The result has been a wave of drug-related violence across the country. Experts on crime in Mexico speculate that one cause of the surge in violence is that the attacks on the cartels and the deployment of national police and soldiers have upset existing arrangements between law enforcement and traffickers (McKinley 2008) While drawing a causal link is difficult, it seems quite likely that the short-run effect of increased anti-drug enforcement in Mexico has been to increase violence.

The Mexican government may draw some comfort from the experience of Colombia. From 1989-1993, the Colombian government experienced a tide of violence perpetrated by the Medellin cartel, which was at the time the dominant force in cocaine trafficking. The cartel’s leaders feared extradition to the United States, where they were unable to manipulate the criminal justice system and would thus face imprisonment. In an attempt to prevent the government from implementing the U.S.-Colombia extradition treaty, the cartel declared war on the government. The cartel blew up a civilian airliner, detonated numerous bombs in public places, and assassinated presidential candidates, judges, journalists, and hundreds of police officers. As a result, the government engaged in a large scale struggle with the cartel, which culminated with the death of Pablo Escobar in 1993. Subsequently, with the breakup of the Medellin cartel and later government efforts which led to the dismantling of the Cali cartel, the level of

overt drug-related violence declined. The Colombian drug trade now functions through smaller, more low-key organizations, rather than a small number of centralized cartels, and murder rates—while still high by international standards—have declined notably from the peak of the 1990s (Thoumi 2002).

Mexico's current crime crisis, Colombia's experience of the late 1980s and early 1990s, the cross-country and U.S. literature, and several theoretical studies all indicate that at least in the short run devoting greater effort to enforcement of drug trafficking prohibition may increase levels of violence. At the same time, the more recent declines in violence in Colombia suggest that over the longer run, it is possible for the government to achieve a limited "win," by eliminating the most violent cartel leadership, thus achieving a relative decline in violence.

It is important to consider how the countries of Central America differ from Mexico and Colombia. First, the countries of Central America could be fairly characterized as innocent bystanders in the drug war. The trafficking organizations are based in Mexico and Colombia, and the available evidence suggests that direct high-level involvement of Central Americans in the drug trade is not substantial. Second, unlike the countries of Central America, Mexico and Colombia have been able to deploy substantial resources against the drug cartels. The full scale struggles that were waged in Colombia and are now ongoing in Mexico are a viable option for countries with relatively high incomes. In contrast, given the small size of their economies, even relatively prosperous Panama and Costa Rica do not have the resources to wage a major confrontation against the cartels.

Similar concerns were raised by the STRATFOR intelligence organization (Meiners, 2009) in its conclusions to its recent evaluation of the drug trade in Central America:

If Central American governments choose to step up counternarcotics operations ... they risk disrupting existing smuggling operations to the extent that cartels begin to retaliate....

If the example of Mexico is any guide, the drug-related violence that could be unleashed in Central America would easily overwhelm the capabilities of the region's governments.

The countries of Central America face a difficult situation. The drug war has already brought extreme levels of violence and impaired the region's criminal justice institutions, and yet an escalation of interdiction efforts—at any scale the region's governments could mount—would most likely increase levels of violence without diminishing the capacities of drug traffickers.

### **3.6 POSSIBILITIES FOR DRUG POLICY REFORM**

The possibility that increased anti-drug enforcement might increase levels of violence suggests that Central American governments should consider alternative approaches. Recently, there have been calls to reconsider elements of the prohibition and enforcement regime that has dominated drug policy in recent decades. For example, in 2005, a group of 500 economists, including 3 Nobel laureates, endorsed a proposal to legalize marijuana in a letter that said "prohibition has minimal benefits and may itself cause substantial harm." Also, the *Economist* magazine recently editorialized in favor of drug policy reform. The discussion around drug policy option has been driven in part by recognition that while the possible benefits of current drug policy—in the form of reduced drug consumption—accrue mainly to developed nations which are the main consumers, the effects are largely negative for developing countries. As recent World Bank work states,

... the costs of prohibition seem to be borne disproportionately by developing countries that traditionally grow crops associated with the production of drugs or that serve as trade routes to drug consumers in rich countries. These costs range from direct expropriation of

the wealth of poor farmers involved in the cultivation of these crops to the increased institutional instability caused by criminal organizations that distribute drugs (Keefer, Loayza, and Soares 2008.)

In Latin America and the Caribbean, there has been some rethinking of drug policy recently. Former Mexico President Vicente Fox proposed depenalizing consumption—but not trafficking—of narcotics, and the current president of Mexico, Felipe Calderón, offered a similar proposal last fall (Gutierrez, 2008.) Last year, the President of Honduras, called for legalizing drugs and treating drug use as a public health problem (La Prensa 2008). Recent discussion was also generated by the final report of the Latin American Commission on Drugs and Democracy (2009), which counts among its members former President César Gaviria of Colombia, former President Ernesto Zedillo of Mexico, and former President Fernando Henrique Cardoso of Brazil. The Commission also includes author and former Vice President Sergio Ramirez of Nicaragua and Sonia Picado, former diplomat and politician from Costa Rica. The Commission's report points to recent initiatives in Venezuela, Argentina, Colombia, and Brazil to depenalize possession of illicit drugs for personal use. It calls for the decriminalization of possession of marijuana for personal use and urges that drug use be seen as a public health problem that should be addressed principally through campaigns of education, information, and prevention.

The discussion about drug policy reform often mixes three different terms: decriminalization, depenalization,” and “legalization.” Greenwald (2009) summarizes the terms as follows:

- Depenalization: “drug usage remains a criminal offense, but imprisonment is no longer imposed for possession or usage even as other criminal sanctions (e.g., fines, police record, probation) remain available.”
- Decriminalization: either “only noncriminal sanctions (such as fines or treatment requirements) are imposed or ... no penal sanctions can be.”
- Legalization: “there are no prohibitions of any kind under the law on drug manufacturing, sales, possession, or usage.”

The most subtle of these three changes, *depenalization*, has been applied to marijuana in 12 U.S. states, the Netherlands, Italy, Spain and parts of Australia. Possession of heroin and cocaine has also been depenalized in Italy and Spain (MacCoun and Reuter, 2001). In 2001, Portugal took the slightly stronger step, *decriminalization* of all drugs, including cocaine and heroin (Greenwald, 2009.)

Advocates for depenalization or decriminalization suggest that these policies allow governments to redirect resources from enforcement to treatment and more effectively address drug consumption as a public health issue. Opponents of depenalization and decriminalization argue that reducing legal sanctions will result in higher levels of drug use. However, research has not found a substantial effect of depenalization or decriminalization on drug use. MacCoun and Reuter (2001), summarizing the research on marijuana depenalization in the United States note that “Survey analyses in depenalizing states have found either no change in marijuana use or an increase that was slight and temporary.” They draw similar conclusions from the research on experiences in Australia and the Netherlands. In a study of Portugal's more far-reaching policy change, Greenwald (2009) also finds no evidence of any increase in drug usage rates following decriminalization.

What effect would depenalization or decriminalization have in the Central American context? It is possible that such a policy would allow governments of the region to address problems of drug consumption, and under a best-case scenario drug use in the region would decline. However, the very limited evidence available, discussed earlier in this chapter, suggests that drug use in the region is not at extremely high levels. Given that only a small portion of drug-related violence is associated with drug

*consumption*, even a substantial decline in drug use within the region would probably have only limited effects on levels of violence. There is no obvious channel by which depenalization or decriminalization would reduce the much larger problem of systemic violence associated with drug *trafficking*.

A much more contentious change in drug policy would be legalization of some or all narcotics, which would mean that not only drug use and possession but also trafficking would be legally permitted. As previous World Bank work has noted, the costs of drug prohibition are disproportionately borne by nations like those of Central America where drugs are transported en route to principal markets in rich countries. It follows that the benefits of curtailing prohibition would also flow to those same countries.

Legalization, however, is not a feasible policy option for the countries of Central America. They are committed to an international drug prohibition regime through various treaties. Additionally, unilateral legalization by individual countries would have perverse effects. Countries that legalized would see a surge in drug trade as they became safe havens for traffickers. Because the trafficking organizations would still operate outside international law and thus continue to employ violence. Although it is very difficult to predict the impact of such a large policy change, it is likely that legalization by one or more small countries would not reduce violence. Legalization could only be plausibly implemented on an international scale. A full analysis of the question of legalization is beyond the scope of this report, but it is evident that such a sweeping change would have both costs and benefits which would vary across countries, with substantial uncertainty about both. Regardless, given the problems with unilateral legalization, from the perspective of Central American policymakers, legalization is not a feasible policy option.

### 3.7 CONCLUSIONS

Central America can be fairly characterized as an innocent bystander in the drug trade as Central American countries are transit countries and neither producers nor significant consumers of cocaine. In addition, the trade is mostly controlled by Colombian and Mexican cartels. To date, policy emphasis has been primarily on interdiction efforts to combat trafficking. Even if increased interdiction is successful, if the demand for drugs is inelastic, increased enforcement will increase the price and reduce consumption but will also increase the total resources available to traffickers. With more cash in hand, traffickers are better equipped to bribe criminal justice officials and purchase weapons. The experiences of Mexico and Colombia, economic theory, and the historical record in the United States all suggest that an escalation of interdiction efforts—at any scale the Central American governments could mount, even with assistance from abroad—would most likely increase levels of violence without diminishing the capacities of drug traffickers.

The countries of Central America face a difficult situation. The drug war has already brought extreme levels of violence and impaired the region's criminal justice institutions. What options, then, do Central American nations have for dealing with the tremendous flow of drugs through their seas, airspace, and land routes? Radical changes in the drug policy regime are not within the realm of possibility for Central American nations. This can only be contemplated in an international framework that includes the main producer and consumer countries. The main policy options available to Central American countries are the following:

- 1) **Continue current approach, emphasizing primarily on drug interdiction, and devote further resources to enforcement.** Given the high levels of drug-related corruption in the criminal justice systems and the vast resources of the traffickers, the evidence would suggest that directing more of their very limited resources to drug enforcement efforts is not likely to reduce

violence in Central America. To the extent this approach is used, it would have greater chance of some success if taken in a regional, coordinated fashion.

- 2) **Devoting resources to addressing domestic drug use via a public health and harm reduction approach, including greater investment in education campaigns, treatment for users, drug use prevention and possible depenalization or decriminalization of some drugs.** This is a key recommendation of the Latin American Commission on Drugs and Democracy (2009).

These two broad options are not mutually exclusive. **Overall, marginal funds are more likely to reduce violence if devoted to crime prevention efforts and mitigating the damage from drugs.** Within the region, policies should focus on **strengthening criminal justice systems, limiting the availability of firearms and on providing meaningful alternatives to at-risk youth.** Whatever the approach, the finding discussed in Chapter 1 of this report—that violence is strongly associated with drug trafficking—highlights the importance of country governments taking some action to address what is one of the primary drivers of violence in the region.

## **CHAPTER 4 YOUTH VIOLENCE AND GANGS**

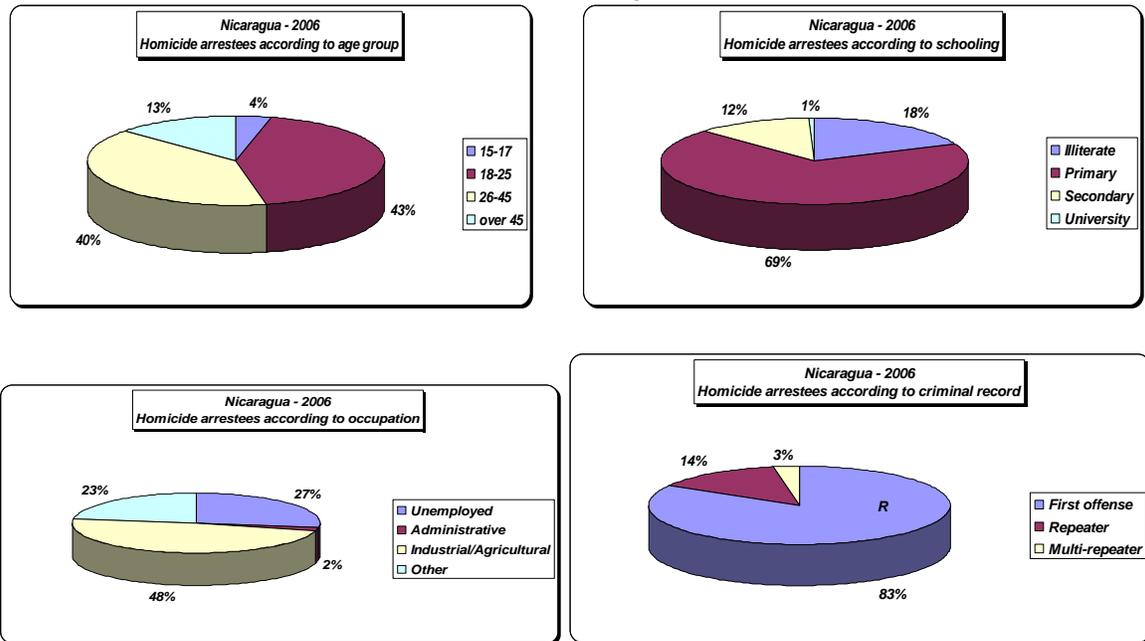
*Most homicide victims in Central America today are men ages 15-34. Estimates of the number of gang members in Central America range from 10,000 to 300,000, with the most commonly accepted estimate at around 70,000. Although gangs have been blamed for a range of violent crime, there has been very limited empirical analysis of gangs, and reliable data related on the role of youth gangs in the narcotics trade is scarce. While the number of deportees in Central America has increased astronomically since 2002, the evidence to tie criminal deportees with youth gangs is scant and suggests a weaker link than the one generally portrayed. Given that the socioeconomic situation in Central America presents many risk factors typically associated with youth violence, it is vital that governments design and implement integrated approaches to youth and gang violence prevention that combine national-level criminal justice reform, together with national, municipal, and community-level development programs focusing on the social prevention of youth and gang violence.*

Youth violence is a critical concern in Central America. A great deal of attention has been given in particular to the problem of youth gangs, which are perceived to be a main driver of violent crime in the region. However, the problem of youth violence is broader than that of youth gangs alone. This chapter first presents an overview of the scope of youth violence in Central America, considering youth as both victims and perpetrators of violence and discussing risk factors for youth violence. For the purposes of this report, youth is generally defined as those aged between the ages of 12-25 unless stated otherwise. The chapter then turns to a narrower focus on the phenomenon of youth gangs, which is understood as but one component of the wider youth violence problem. The chapter discusses the evolution of gangs in the region, challenges to understanding the current gang phenomenon, gangs beyond the Northern Triangle, the role of deportation in relation to gangs, as well as data on gangs as perpetrators of violence. The chapter concludes with an overview of policies and programs for addressing both gangs and the broader youth violence problem.

### **4.1 SCOPE OF YOUTH VIOLENCE IN CENTRAL AMERICA**

Youth, and particularly young men, comprise the bulk of both perpetrators and victims of violence. Figure 4.1 presents 2006 data from Nicaragua on the profile of 186 cases of individuals arrested for murder. Almost half (47 per cent) of all arrestees were 15-25 years old.

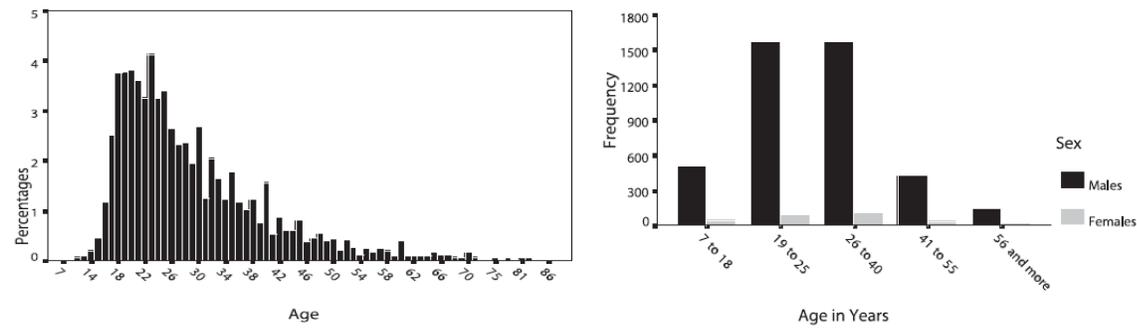
**Figure 4.1: Profile of Nicaragua Homicide Arrestees by Age Group, Schooling, Occupation, and Criminal History, 2006**



Source: Anuario Estadístico 2006, Policía Nacional de Nicaragua

In El Salvador in 2000, among violent crimes for which the police were able to identify who committed the crime, perpetrators were highly concentrated among young men, and the modal (peak) age in the distribution of ages was 23 (Figure 4.2). The overwhelming majority of violent crimes were committed by men between the ages of 19 and 40 (Figure 4.3).

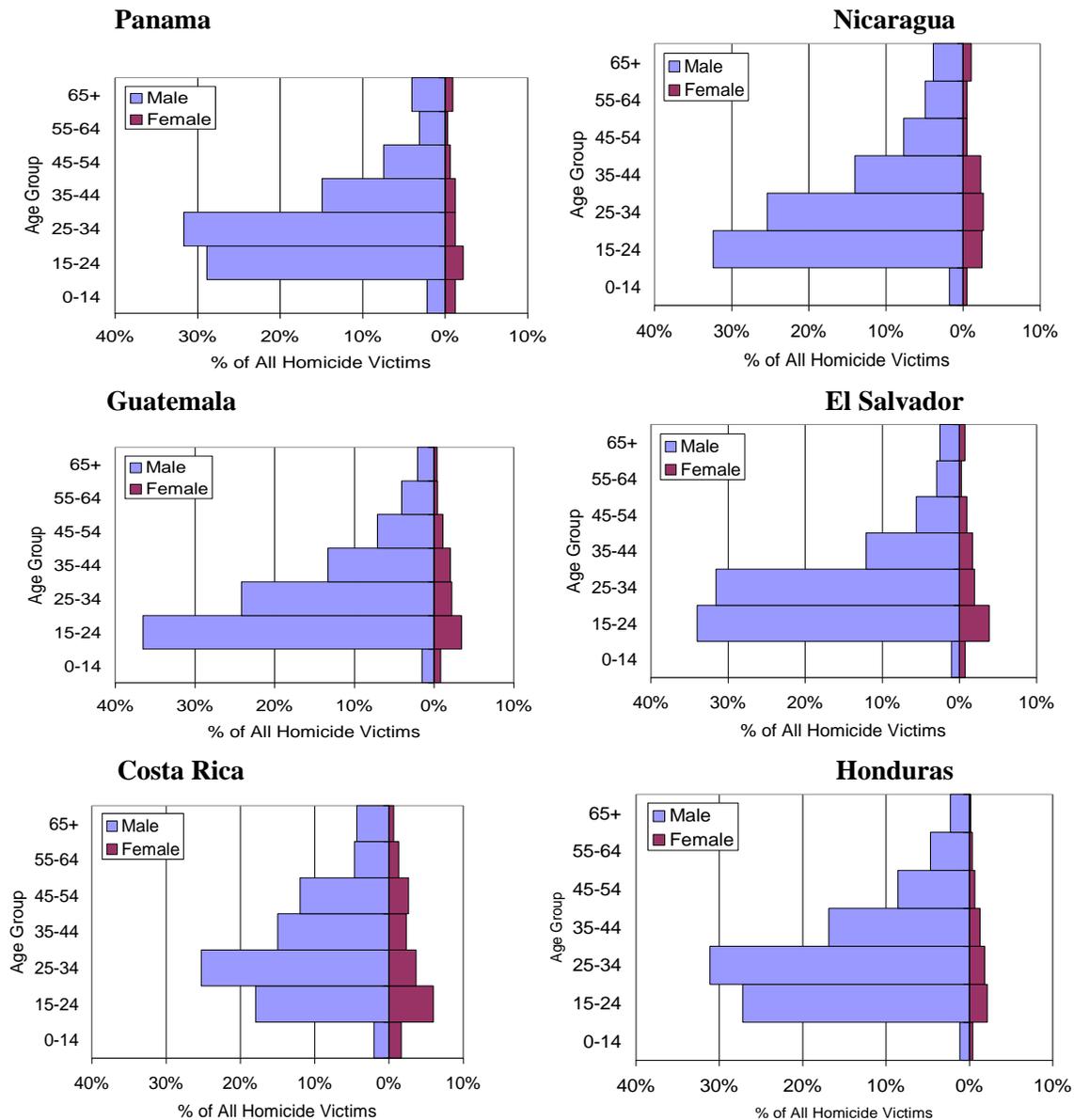
**Figure 4.2: Violent acts per age, El Salvador (2000)      Figure 4.3: Perpetrators of violent acts by age group and sex, El Salvador (2000)**



Source: Cruz, 2005, based on 2000 El Salvador National Civilian Police records

Youth in Central America can face violence in multiple settings, including at home, on the streets, within social welfare and juvenile justice facilities, in the labor market, and in the sex industry. Youth at particularly high risk include street children, those involved in the domestic service industry, and those from families characterized by high levels of dysfunction. Young men (ages 15-34), in particular, comprise the bulk of homicide victims in the region, as is shown by Figure 4.4.

**Figure 4.4: Most Homicide Victims in Central America are Men Ages 15-34**



Source: Bank staff analysis of data from the World Health Organization Mortality Database (2004)

#### 4.2 CENTRAL AMERICAN RISK FACTORS FOR YOUTH VIOLENCE

Given the youth violence situation present today in Central America, the logical next step in terms of designing the most appropriate policies and interventions to address the issue successfully is to understand why certain youth become involved in criminal and violent behavior – sometimes resulting in

gang membership – in the first place. In order to do so, this chapter utilizes the Ecological Risk Model approach, which identifies four levels of factors that influence whether or not a young person becomes engaged in criminal and violent behavior (World Health Organization, 2002). See also chapter 1.

The four levels of factors included in the Ecological Risk Model include: (i) **societal level**, for example a country's overall economic conditions (i.e. poverty, unemployment), cultural norms, mass media etc; (ii) **community level**, which includes the relationship an individual has with his/her immediate environment, in particular schools, neighborhoods, and the police; (iii) **relationship/inter-personal level**, which includes relationships with peers, the family, and teachers, all of which might affect (positively or negatively) the likelihood that a young person will engage in criminal and violent behavior; and (iv) **individual level**, which include *biological* risk factors such as being male, delivery complications at birth; *psychological/behavioral factors*, for example the degree of self regulation and self esteem, low educational achievement, early sexual initiation; and *environmental factors*, which include exposure to violence in the home/family, as well as drug/alcohol/tobacco consumption.

It is important to note that while the simple presence of a single risk factor should not be interpreted as causal or deterministic that an individual will become engaged in criminal and violent behavior, an analysis of all of the risk factors present at a given time can help target those most at-risk and can also help to understand the causes of criminal and violent activity, thereby helping to create more effective prevention programs and policies. Moreover, the presence of multiple risk factors associated with youth and gang violence also confirms that successful interventions must be carried out in an integrated and multi-sectoral manner (i.e. via education, public health, employment, criminal justice, etc.).

A detailed description of each of these four levels of factors – accompanied by specific examples of the risk factors for youth and gang violence present today in Central America – is presented below:

**Societal level:** Societal level risk factors refer to the systems and institutions that ultimately affect an individual's decision-making but with which individuals do not have direct contact. These factors can include the overall economic conditions of a country, such as poverty and income inequality, as well as the level of unemployment, the media, laws, and cultural norms. Some of the societal risk factors most associated with youth and gang violence include economic and social policies that maintain socioeconomic inequalities, a weak judicial system, social norms promoting male dominance over females and parental dominance over children, as well as cultural norms that endorse violence as the only way to resolve conflicts.

***Culture of violence:*** Central America can be described as having a 'culture of violence,' which is defined as a 'system of norms, values, and attitudes which enables, fosters, and legitimizes the use of violence in interpersonal relationships' (Huezo, 2001; Martin-Baro, 1992). Examples include cultural norms that support the physical discipline of children, violence against women, and a husband's right to control his wife through any means, as well as economic and social policies that create or sustain gaps and tensions between and among groups of people, and weak laws and policies related to violence, war and militarism, and institutional violence. These norms exist throughout the different institutions in society, including schools and the home, which are the primary sources of socialization.

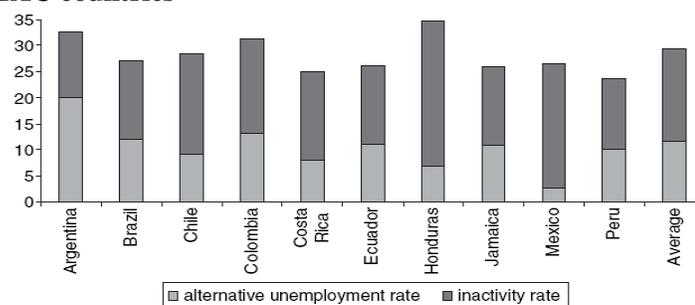
***Poverty and Income Inequality:*** Although no causal relationship has been identified between poverty and violence, income inequality has been shown to lead to higher rates of crime and violence (World Bank, 2008b), most likely due to the fact that having to observe and live with vast income disparities is more difficult than living in an environment of absolute poverty, where everyone has the same level of deprivation. In Latin America and the Caribbean, this relative deprivation is correlated with higher homicide rates. In particular, at-risk youth, who typically come from poor households within these unequal societies, have a higher likelihood of engaging in criminal and violent behavior (World Bank,

2008b). Nevertheless, poverty is correlated with risky behaviors such as dropping out of school, and programs seeking to prevent crime and violence should be targeted towards those who are most at risk of engaging in risky behaviors.

**Rapid and Uncontrolled Urbanization:** A study (Gaviria and Pages, 1999) of the patterns of victimization in Latin America found that cities whose population had grown faster in the years prior had experienced a greater degree of violence as a result of disorganization and poor urban planning. Research on gangs carried out in El Salvador, for example, showed that gangs grow in settings characterized by urban crowding, a lack of public recreational facilities for the population (particularly young people), and the lack of adequate basic services. Residential crowding has also been shown to drive children and youth into the streets, where they are socialized instead of in the home, which often results in the development of gangs (Smutt and Miranda, 1998). Deteriorated public spaces have also been associated with gang presence and victimization of residents (Cruz and Santacruz 2005). Studies show that the incorporation of sports fields, community centers, and parks is much more present in cities with few gang problems in comparison to cities where gangs proliferate, and where instead one would find bars, canteens, gambling areas, and brothels (Cruz 2004).

**Youth Unemployment and Inactivity:** Youth unemployment has been found to be associated with a higher probability of youth engaging in risky behavior, including crime and violence, substance abuse, early school leaving, and risky sexual activity (World Bank, 2008b). However, youth unemployment rates are not necessarily the best indicator for measuring a young person’s participation in the labor force, since when young people leave school, many become ‘inactive’ (neither in school nor working), rather than unemployed (defined as not working but actively looking for a job). Furthermore, the definition of unemployed can be subjective, since it is based on a person ‘actively’ searching for a job. Instead, measuring the amount of youth who are ‘inactive,’ in other words neither working nor in school, presents a clearer picture. Data on the ‘inactivity rate’ for 19-24 year-olds in Honduras and Costa Rica, for example, shows that it is much higher than the unemployment rate (Figure 4.5). Even lacking direct evidence, the same is likely to hold true for the other countries in Central America with similar socioeconomic conditions.

**Figure 4.5: Jobless Rates Disaggregated by Unemployment and Inactivity Rates for 19-24 Year-olds in Honduras and Costa Rica vs. select LAC countries**



Source: World Bank, 2008b<sup>23</sup> based on calculations from each country’s household surveys.

<sup>23</sup> The alternative unemployment rate is defined as the number of unemployed youth as a share of the number of youth in the 19-24 year-old age group. This is in contrast to the unemployment rate, which is defined as the number of unemployed youth as a share of the number of youth in the labor force. The reason one needs to redefine the unemployment rate this way is that the inactivity rate, defined as the number of youth who are unemployed or out of the labor force and not studying as a share of youth in the 19-24 year-old age group, cannot be added to the traditional unemployment rate.

**Migration:** Within the past decade there has been a marked trend whereby one or both parents from Central American households migrate to the United States, leaving children behind with family members or friends. The issues related to family unity and to migration are of particular interest and relevance to the rising tide of violence in Central America, given that it has been proven that parental connectedness is one of the strongest protective factors for risky behavior, including crime and violence. As such, the high numbers of Central American children without parental support can be considered a contributing factor to a fertile recruiting ground for gangs. For example, it has been shown that school-going youth who feel close to their parents have lower substance abuse rates, and participate less in violence and risky sexual activity (Blum, 2002). Furthermore, it has been demonstrated that boys and girls who feel close to their families are about 10 percent less likely to engage in risk-taking behavior such as violence, smoking, alcohol and drug abuse, and risky sexual activity (Ibid). Lastly, ‘barrel children,’ whose parents have both migrated, are at an even higher risk since they do not have the protection of either parent and risk being exposed to the negative influences of other adults taking care of them. The feeling of being abandoned by both parents can also create a feeling of rage towards the young person’s parents, which can result in criminal and violent acts.

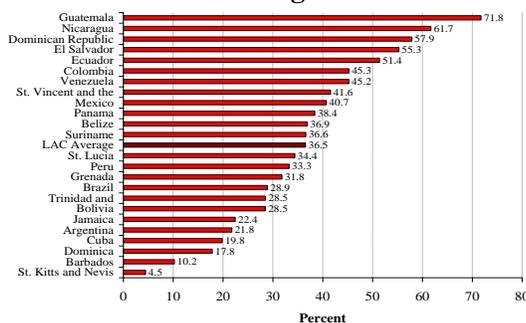
**Drug Trafficking:** Given the role that Central America has as a transit point for drug traffic between the Andean countries and North America, drug smuggling, sales, and consumption have all increased in recent years. Drugs and violence are linked in three main ways: (i) the altered state generated by drug use can produce a loss of control and violent behavior; (ii) drug abuse generates physical and psychological dependence, which often leads to young people becoming involved in criminal activities as a way of supporting their drug addictions; and (iii) gang member participation in drug networks and organized crime (Cruz, 2007). Although gangs and drugs are intricately linked in the minds of Central American law enforcement personnel, government officials and the public, closer examination reveals a vastly more complex picture. In El Salvador, for instance, according to the UNODC there exist three different drug-involved groups: youth gang members (*pandilleros*), organized crime groups (*banderos*) and narcotics traffickers (*transeros*) (UNODC, 2007). It is believed that gangs serve as a local security apparatus for Mexican and Colombian cartels, or as small-time informal street vendors, and that they do not appear to be involved in the large-scale movement of drugs or in wholesaling. Some authors suggest however that the leaders of local drug organizations are often ex-gang members who have “graduated” (see, for example, Rodgers (2008a)). It has also been suggested that involvement in drug trafficking has made gangs more violent in the last decade (see Aguilar (2006), International Human Rights Clinic (2007), and Rodgers (2006a, 2007b)). For more on the links between drugs and violence see chapter 3.

**Community Level:** Community-level risk factors are those factors associated to certain institutions that surround youth, such as schools, neighborhoods, and the police. Specifically, these include the availability and access of (quality) schools; the level of neighborhood safety; the amount of police presence; and the relationships with other young people in the community. School connectedness, in particular, has been proven to be one of the most important *protective* factors for preventing risky behavior among youth, including crime and violence.

**Low secondary school enrollment rates:** Juvenile delinquency is correlated with lower levels of education (Barker and Fontes, 1996) due to the low cost that engaging in criminal behavior has for these young people (Eckstein and Wolpin, 1999), the absence of positive social influences from mentors and peers, and from delinquency being the best income alternative for a young person without any marketable skills. Although secondary school enrollment rates in Central America have increased significantly during the last few decades, there is still room for substantial improvements. Figure 4.6 provides an overview of the percentage of secondary school-age children who were *not* enrolled in secondary school (an average from 1998-2004) for select LAC countries, compared to the LAC average. As can be seen in Figure 4.6, this percentage is well above the LAC average of 65% in Guatemala, Nicaragua, El Salvador, and Panama, with Guatemala holding the highest percentage of non secondary school enrollment. Even

without taking into consideration the poverty level of youth, these indicators are quite alarming given that secondary school enrollment and completion have been proven to be one of the most important protective factors for risky youth behavior, including crime and violence (World Bank. 2008b).

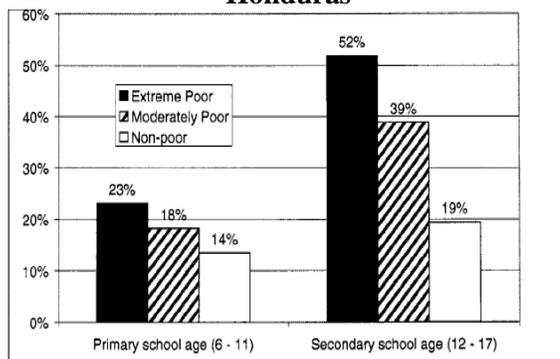
**Figure 4.6: Percentage of secondary school-aged children who are *not* enrolled in secondary school (average 1998-2004): Guatemala, Nicaragua, and El Salvador vs. select countries in LAC and LAC average**



Source: World Bank. 2008b.

***Even lower secondary school enrollment rates for poor youth:*** When broken down according to poverty level, the differences in educational attainment increase drastically. For example, 2004 data for Honduras showed that among the extreme poor, 52 percent of children of secondary school age (12-17) were not attending school, compared to 19 percent of children in non-poor households. The information depicted in Figure 4.7 also suggests that the transition from primary to secondary school is one of great differentiation, since the difference in primary school enrollment rates is not as stark between poverty levels (Figure 4.7). Analysis of the 2005 LSMS data shows that the secondary school enrollment situation of poor youth in Nicaragua resembles that of poor youth in Guatemala (World Bank, 2008d).

**Figure 4.7: Percentage of extremely poor, moderately poor, and non-poor school-aged children in primary and secondary school In Honduras**



Source: Bank analysis of 2004 ENCOVI

Data from 2006 for Guatemala (Encovi, 2006), which break down education and employment data on 14-17 year-olds according to income quintile and geographic location, show that 45 percent of 14-17 year-olds were not in school. Furthermore, almost a third (28 percent) of Guatemalan youth were both out of school *and* economically inactive, a percentage that increases to 44 percent for the poorest 20 percent of

households (the lowest income distribution quintile). Even in urban areas, where education access is typically higher, 15 percent of this youth population was both out of school and economically inactive, and the rate more than doubled for those in the lowest income distribution quintile.

***Low secondary school completion and attainment rates, particularly for poor youth:*** Recent literacy rates available for **Nicaragua** also serve as a good indicator of how much improvement is needed in secondary education in Central America, particularly for youth living in poor areas. In 2005, 25 percent of 15-24 year-olds from extremely poor households were illiterate, and while 99 percent of young people from the top quintile could read and write, only 78 percent from the poorest quintile were able to do so (World Bank, 2008d). Furthermore, although 70 percent of children between 15 and 19 years old have finished primary school, which represents a great increase from previous generations, only 32 percent of 20-24 year-olds have completed secondary school (Ibid). **Costa Rica** has a higher per capita income than the majority of its neighbors, but data here also show great discrepancies between the secondary school enrollment and inactivity rates of its youth from the poorer versus the richer income quintiles. In 2004, for example, 17.6 percent of 13-18 year-olds from extreme poor households were inactive (neither studied nor worked), in comparison to 11.1 percent of 13-18 year-olds from non-poor households, and only 11.8 percent finished secondary school (in comparison to 35.8 percent from non-poor households). For 19-24 year-olds, 30.8 percent of those from extreme poor households neither studied nor worked, compared to 14.9 percent from non-poor households (World Bank, 2007).

***School Violence:*** While schools have been proven to serve as one of the most important protective factors in the lives of at-risk youth, they can also teach violence (via corporal punishment from teachers and violence between students), and can therefore also act as one of the primary risk factors. In Managua, Nicaragua, for example, a survey on the risks of victimization and violence in schools carried out among 6,000 students revealed that 45 percent and 37 percent of primary school students have suffered from bullying and physical aggression within their schools, respectively, compared to 50 percent and 22 percent for secondary school students (Ministry of Education and Culture, 2003; Hoffman, Joan Serra, forthcoming) A poll that was taken of 1,000 middle and secondary school students in San Salvador found that approximately 15 percent are involved in at least one school fight in any given month, and almost 20 percent carry bats or sticks to school for self-defense (UNDP, 2002).

***Availability of Firearms:*** Widespread availability of firearms is a risk factor for youth violence as the number of firearms in circulation has a direct effect on the ability of those at risk of violence to obtain guns, whether from legitimate sources or illegal firearm sales. In Central America, it is estimated that there are more than 3 million legal and illegal small arms in circulation, with far more illegally possessed weapons than legitimately owned firearms (Karp 2008, Arias Foundation 2005; see also Chapter 5), and between 65 and 70 percent of all reported homicides are committed with firearms (FLACSO, Arias Foundation).

***Relationship/Interpersonal Level:*** Inter-personal risk factors refer to the relationships young people have with family members, friends, intimate partners, teachers, and peers, which all play a key role in influencing the behavior of a young person. The most influencing inter-personal risk factors associated with youth violence include domestic violence and abuse; parental substance abuse; corporal punishment; and household poverty.

***Household Poverty:*** Although being part of a family that has a higher income does not guarantee that a young person will not become involved in criminal and violent behavior, it does reduce the likelihood that some of the risky behaviors will take place, and it increases the chances that the family will be able to compensate for any negative behaviors in which the young person engages. For example, poverty within a household can cause one or both parents to migrate for better job opportunities, or to be absent from the home for many hours, thereby reducing the level of parental connectedness that has been shown to be a

strong protective factor. Coming from a poor household can also drive the young person to try to bring additional income into the home, causing some youth to engage in the illegal drug trade, and often also in drug use and violent activities with which it is associated. Furthermore, many youth who come from poor families live in neighborhoods with many drug sale points, thereby surrounding young people with negative influences (another risk factor).

***Dysfunctional families (violence in the home/neglect/abuse/abandonment):*** One of the factors that are most often associated with violent behavior among youth is exposure to violence in the home. Children and youth who experience or observe violent behavior in the home are more likely to engage in violent behavior themselves. Domestic violence is widespread in Central America. A recent study on gangs in Central America found that the clearest indication of future criminal violence by young male gang members is repeated abuse or mistreatment at home (Santacruz and Concha-Eastman 2001). A study carried out in El Salvador showed that physical violence is present in 80 percent of households (ibid). Studies show that domestic violence significantly increases the likelihood that a child will be the perpetrator of violent acts later in life, whether they are domestic or other acts of violence (Buvinic.; Morrison; and Shifter, 1999). In a survey of gang members carried out by Save the Children, 38 percent stated that they had been beaten or abused on a regular basis during their youth. Of this group, 13.5 percent were beaten on a daily basis (Save the Children UK, 2002).

***Peers who are Gang Members:*** Studies show that relationships established with peers who are gang members or juveniles with criminal records typically have a significant impact on a young person's decision to join a gang (Smutt and Miranda, 1998). Unlike the families of these young persons, peers can offer solidarity, respect, and sometimes even access to money (Santacruz and Concha-Eastman 2001).

**Individual Level:** Individual level risk factors typically include those factors related to the cognitive, physiological, and behavioral nature of the individual, many of which are determined during the early childhood stage. The individual risk factors most highly associated with youth violence are *biological* (such as race, sex (being male), ethnicity, or delivery complications at birth; *psychological/behavioral* (ability to regulate emotions, level of self-esteem, low intelligence, low educational achievement, early sexual initiation), and *environmental* (such as rage, being exposed to conflict or violence in the home; and substance and alcohol abuse).

***Alcohol abuse:*** Alcohol abuse has been proven to be a risk factor for being both a victim and a perpetrator of youth violence. Evidence shows that alcohol can increase the likelihood of youth violence in several ways. At the individual level, it can reduce self-control and the ability to process incoming information and assess risk. Alcohol can also increase emotional liability and impulsiveness, thereby increasing the likelihood that a young person will resort to violence. Lastly, being a victim of violence or witnessing violence can lead to harmful use of alcohol as a coping mechanism; alcohol is often involved in gang rituals; and high levels of alcohol use is one of the key risk factors for intimate partner violence (World Bank 2008b).

***Lack of Identity:*** Many young people end up joining gangs due to the absence of positive role models both at home and in their communities. In Central America, where many of the young people have been socially excluded (from the educational system and from the labor market), who live in homes with an absence of parents or parents with poor parenting skills, and in communities where a culture of violence is the norm, some youth take to gangs as the best and only option for socialization (Cruz 2007).

***Early Sexual Initiation:*** Risky sexual behavior, which includes early sexual initiation, not practicing safe sex, or forced sexual initiation, is associated with several risky behaviors that pose costs to both the individual young person, as well as to society. These risks include dropping out of school, adolescent pregnancy, and an increased likelihood of contracting HIV/AIDS and/or STIs. Research shows that

adolescent mothers have a higher probability than older mothers of raising their children in poverty due to their lower earning potential; moreover, the evidence also demonstrates that those who have been born from adolescent mothers have been found to have more health and behavioral problems, lower cognitive development, and lower school achievement than had they been born from older mothers (Ahn 1994; Grogger and Bronars 1993; Hoffman, Foster, and Furstenberg 1993; Nord et.al. 1992; Rangarajan, Kisker, and Maynard 1992). Although teen fertility rates in Central America have decreased substantially in the last two decades, they still remain some of the highest in the LAC region, with more than 100 births per 100,000 women in the 15-19 age group. Nicaragua's fertility rate—the highest in the region with 120 births per 100,000 girls ages 15-19—is particularly high.

### **4.3 GANGS AND THEIR CONTRIBUTION TO YOUTH VIOLENCE**

#### **4.3.1 *Evolution of Gangs in Central America***

The two major gangs in Central America, the Mara Salvatrucha (MS13) and 18<sup>th</sup> Street, have their roots in the U.S. Beginning in the early 1980s, nearly a million Central Americans fled to the U.S. to escape the violence and hardship of civil conflict in the region. Living in poverty and marginalized by other groups, a small percentage became involved with gangs. Some joined 18<sup>th</sup> Street, a primarily Mexican gang that had been established many years prior to the wave of Central American immigration, while others formed MS13.

During the mid-1990s, many Central Americans, including some gang members, were deported to their countries of birth. Some gang members became involved in criminal activity in their home countries and replicated the 18<sup>th</sup> Street and MS13 gangs. Over time, high-profile acts of violence brought gangs into the public view. Governments of the region responded by implementing a variety of *mano dura* (heavy handed) policies that emphasized repression and law enforcement while minimizing prevention, rehabilitation and social reintegration of gang members. With the passage of "Illicit Association" legislation, known and suspected gang members were rounded up in police sweeps, incarcerated, and in some instances tortured and killed through extrajudicial executions.

Civil society and human rights advocates criticized governments' over investment in *mano dura* policies, citing not only the egregious human rights violations that the policy spawned, but also stating that the problem has actually been made worse by this nearly single-pointed strategy. As a result of these factors, support for *mano dura* has waned. For example, a survey in El Salvador indicated that 72.1% of the population expressed strong support for the *mano dura* strategy in 2003, whereas by 2006 the figure had dropped to 40.6%. Government officials have since publicly acknowledged that the policies have not had the desired results, and officially *mano dura* has been abandoned, although many of the repressive practices associated with *mano dura* remain in place (see also Chapter 6). Nevertheless, the diminishing support for *mano dura* policies has not yet translated into an increase in support for the necessary continuum of prevention, rehabilitation, social reintegration and appropriate law enforcement.

#### ***Challenges to Understanding the Current Central American Gang Phenomenon***

Reliable analysis of the gang phenomenon has been limited. The definitions of a "gang," "gang member" and "gang crime" are ambiguous and often arbitrary. Significant differences also exist between general delinquents and common criminals, youth gangs, adult gangs, narcotics traffickers, and organized crime, but little effort has been made to distinguish these entities from one and other, or to discern the contribution of each to the problem. A distinction is sometimes made between *maras* and *pandillas*, with the terms *maras* being used to refer to MS13 and 18<sup>th</sup> Street, while the term *pandillas* is used for

localized, home-grown gangs. However, the distinction is often not clear, and the terms are often used interchangeably. Overall, the existing understanding of gang phenomenon is extremely poor.

Given the weak state of knowledge, it is unsurprising that there is little agreement as to how many gang members there are in the region. Estimates range from 10,000 to over 300,000 members, with the most commonly accepted estimates at around 70,000. Of that total, the vast majority are in El Salvador, Guatemala, and Honduras. Table 4.1 provides a country by country breakdown according to data from a regional police commission. Qualitative studies also show that there is great diversity among gangs between Central American countries, with Honduras, Guatemala, and El Salvador having much higher levels of gang activity than Costa Rica, Nicaragua, and Panama.

**Table 4.1: Estimates of Gang Membership by Country**

Country	Gang Members	Number of Gangs
Honduras	36,000	112
Guatemala	14,000	434
El Salvador	10,500	4
Nicaragua	4,500	268
Costa Rica	2,660	6
Panama	1,385	94
Belize	100	2
Total	69,145	920

Source: Comisión de Jefes y Jefas de Policía de Centroamérica y El Caribe.

### Gangs Beyond the Northern Triangle

The discussions and analysis on gang violence in Central America have focused almost exclusively on the countries of Honduras, El Salvador, and Guatemala, where organized gangs like MS13 and 18<sup>th</sup> Street have had the most influence and widespread visibility. However, while gang violence has impacted every country of the region, it is worthwhile to note the factors which have deterred the downward spiral of gang violence from reaching such alarming heights in other countries of the region. Of particular importance is the emphasis placed on prevention and early intervention responses by other governments of the region.

The case of Nicaragua lends itself to a more comparative analysis since like its northern neighbors it has similar levels of poverty and also suffered through an internal armed conflict. While there has not been a substantial study undertaken, most analysts cite the prevention orientation of the National Police, the social cohesion at the community level, limited access to firearms, and the southern out-migration to Costa Rica (as opposed to the U.S.) as major factors which have impeded MS13 and 18<sup>th</sup> Street from gaining strongholds in the country. The National Police has put into place perhaps the best example of a comprehensive gang program strongly grounded at the community level. In both Costa Rica and Panama, the governments have also emphasized prevention as the focus of the response to gang violence (Reisman and Boerman, 2008).

### Deportation as a Contributor to Gang Problems

It is commonly believed that deportees from the United States have contributed to the gang problem. According to numerous anecdotal accounts, some of those deported during the 1990s that arrived in the United States during the 1980s, and that had participated in Latino gangs in the U.S., had minimal family

or community ties in their home countries, and spoke limited Spanish. Consequently, their arrival may have facilitated the rise of gangs in the El Salvador, Guatemala, and Honduras. In more recent years, deportations to the region have grown tremendously.

The level of deportations is largely a product of United States policy. Deportations rose significantly after 1996, when the U.S. government passed two new laws: the Illegal Immigration Reform and Responsibility Act (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA). The first of these laws expanded the offenses for which a noncitizen could be deported. Previously, only a fairly limited class of aggravated felonies, including murder and drug trafficking, could be the basis for deportation. IIRIRA extended the list to include 28 specific offenses, including any “crime of violence” with a prison sentence of at least one year. Provisions of IIRIRA and AEDPA also greatly limited the number of deportation cases subject to judicial review and subjected far more to an “expedited removal” process. (Hagan et al, 2008).

In 2005, U.S. law enforcement began to target transnational gang members for deportation in a program known as Operation Community Shield. The program was initially directed towards the Mara Salvatrucha but was later expanded to cover other gangs as well. Under the program through September 2008, 4000 suspected gang members and associates have been charged criminally, and more than 7000 were charged with immigration violations and deported (U.S. Immigration and Customs Enforcement, 2008).

Little hard information is available on the characteristics of deportees and their involvement in crime. A census of deportees who arrived to El Salvador between 1999 and 2002 found that they were overwhelmingly male, half had been in the U.S. for less than 5 years, and 14 percent had been deported for major crimes<sup>24</sup> (See Table 4.2.) Many of those deported for immigration violations may have been guilty of crimes as well but were deported by U.S. authorities because such deportations do not require mounting a criminal prosecution.

According to estimates by Salvadoran authorities, in 2005 close to 1800 prisoners were members of MS-13, and about 60 percent of gang members in prison were U.S. deportees or had fled the U.S. to avoid criminal prosecution. One press account suggests cases where deportations actually facilitate transnational connections between gang members, because deportees renew their contacts in the home countries and, as experienced border crossers, can bring other gang members with them on a return visit to the United States (Lopez et al, 2005). The journalist describes a 2005 deportation flight, on which at least 4 of the 70 deportees were members of MS-13.

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<sup>24</sup> “Major” and “minor” crimes are not defined in the reported data.

Further anecdotal evidence that deportees can easily return to the U.S. comes from the U.S. Immigration and Customs Enforcement: in an October 1, 2008 press release describing recent anti-gang enforcements, the agency highlighted the cases of three gang members arrested July-September 2008. Of those, two had been deported in 2006 and one had been deported just the previous June (U.S. Immigration and Customs Enforcement, 2008).

Overall, the sparse information available suggests that the large majority of deportees are not gang members. However, among the more than 200,000 people deported to Central America since 2004, at least a few thousand were members of gangs. Undoubtedly, their presence has somewhat contributed to gang activity in the region.

Some effort has been made to help newly arrived deportees reintegrate into their home countries, in part to reduce the chances that they become newly involved in gang activity. The *Bienvenidos a Casa* (Welcome Home) program in El Salvador and the Center for Attention for Returned Migrant (CAMR) in Honduras provide deportees with assistance and job placement. Both programs are understaffed and under-resourced to deal with the hundreds of arrivals each week.

### 4.3.2 Gangs as Perpetrators of Violence

Data on gangs as perpetrators of violence in Central America is extremely mixed and differs depending on the country and the institution collecting the data, underlining the need for improved data collection and harmonization on gangs not only within -- but also across -- countries. Examples from El Salvador and Guatemala are presented below.

Table 4.3, which includes data collected by **El Salvador's** Institute of Legal Medicine, depicts the established motives for homicides for El Salvador between 2003 and 2006, during which no more than 13.4 percent of total homicides were attributed to gangs. Among homicides for which motives could be identified, gang crime represented a minority. Much more common were murders classified as "common crime." However, the percentage of crimes that had 'unknown motives' was also quite large (almost 60 percent in 2005) making the assertion that gang crimes were a minority difficult to make, given the possibility that out of these 60% of unknown crimes, some might very well have been committed by gang members.

**Table 4.2 Characteristics of People Deported to El Salvador**

	% of Deportees
Male	95%
Age	
19-30	59%
31-40	29%
40+	12%
Years in U.S.	
0-5	50%
6-10	20%
11-20	24%
20+	6%
Reason for Deportation	
Immigration violation	64%
Major crime	14%
Minor crime	22%

Source: Hagan (2008) based a census of deportees who arrived February 1999 - March 2002.

**Table 4.3: Motives for Murder in El Salvador**

<i>Motive</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Common crime	57.4%	33.7%	23.3%	18.2%
<i>Gang Crime</i>	8%	9.9%	13.4%	10.7%
Unknown	28.9%	48.4%	59%	59.1%
Others	5.7%	8%	4.3%	12%

Source: Instituto de Medicina Legal, El Salvador

**Guatemala** is another case in point, where there is also mixed data on the gangs' overall contribution to violent crimes. For example, during a month in which there were a particularly high number of homicides, police statistics attributed only 14 percent of homicides to gangs; moreover, the majority of murders during that period occurred in areas where gang presence is minimal but that of organized crime and narco-trafficking is high (Lara, 2006). Additional data from Guatemala on the number of gang members in prison as well as on the reasons for their detention suggests that gang members might not be as violent as they are reported to be: according to data from the Guatemalan penitentiary system, gang members accounted for 5.8 percent of the total number of arrestees in June 2006, suggesting that there are many other actors behind the high levels of violence in Guatemala. Furthermore, 2004 data from the Guatemalan National Police showed that drugs were the primary reason for gang members being arrested (23 percent), followed by robbery (20.4 percent); homicides were only cause for detention of gang members in 1.8 percent of the cases (Ranum, IUDOP).

On the other hand, there exists additional data from Guatemala suggesting that gangs might play a larger role in violent acts. A study carried out by the *Procuraduría de Derechos Humanos*, which analyzed the causes of death for youth 25 and under for the period July 2002 through August 2003, found that approximately 25 percent (27.4) of these deaths were caused by gang members against youth who were non-gang members (Ranum, IUDOP). The study showed that in total, gangs were responsible for approximately one third of all of the deaths that were included in the study, which included deaths between gang members, as well as deaths as a result of gang members leaving their gang. In fact, although deaths caused by gangs accounted for 27.4 percent of all deaths of those under the age of 25, the percentage of deaths of this age group caused by delinquency accounted for a similar - and marginally higher percentage, 28.5 percent (Ranum, IUDOP). Again, this data does not make it absolutely clear that gangs could also not be involved in acts of delinquency, and that a certain part of this percentage could also include delinquent acts committed by gangs.

In **Honduras**, Casa Alianza, which tracks youth homicides, estimates that gangs were responsible for only 15 percent of the murders in that country in 2006 (Casa Alianza, 2006). Honduran police data also showed that less than five percent of crime is committed by people under 18, a demographic which comprises a significant share of overall gang membership (UNODC, 2007). According to an exhaustive international study, the United Kingdom office of Save the Children demonstrated that 90 percent of children in conflict with the law are involved in property offenses, as opposed to chronic criminals who engage in person to person crimes.

Various qualitative studies of Central American gangs suggest that they are mainly involved in small-scale, localized crime and delinquency, such as petty theft and muggings, which are typically carried out on an individual basis. At the same time, there is evidence that the *maras* in El Salvador, Guatemala, and Honduras are involved in the extortion of protection money from local businesses and the racketeering of buses and taxis as they go through the territories they control, creating a climate of fear in their communities. They have also been involved in a limited number of cases of extreme violence, which, while not necessarily dramatically raising homicide rates, does contribute greatly to the overall perceptions and fear (Muggah and Stevenson, 2008).

Even given the mixed data presented above, however, the overall perception among Central American citizens remains that youth gang members are primarily responsible for crime. In capital city areas of Central America in 2008, between 16 and 36 percent of the population felt that their neighborhoods were greatly affected by gangs (Table 4.4).

**Table 4.4: Percentage of Residents Who Say Their Neighborhoods are Greatly Affected by Gangs**

Country	Capital City	Area Size			
		Large	Medium	Small	Rural
Guatemala	0.24	0.22	0.10	--	0.04
El Salvador	0.21	0.08	0.08	0.04	0.05
Honduras	0.21	0.19	0.10	0.03	0.03
Nicaragua	0.36	0.14	0.08	0.03	0.04
Costa Rica	0.16	--	--	0.11	0.06
Panama	0.16	0.23	0.05	0.06	0.04

Source: Bank staff analysis of data from the 2008 Latin America Public Opinion Project surveys

Similarly, the World Bank’s 2003 Enterprise Surveys asked whether incidents of crime affecting businesses were carried out by members of gangs. According to business managers, the shares of such committed by gangs were similar in El Salvador (27 percent), Honduras (28 percent) and Nicaragua (25 percent), but much higher in Guatemala (67 percent). These survey results showed that in El Salvador, small firms are particularly vulnerable to *maras*: gangs were believed responsible for 46 percent of crimes against microenterprises, 37 of crimes against small firms, 19 percent of crimes against medium-size firms, and 18 percent of crimes against large firms.

### Gangs and the Prison System

The state of prisons throughout Central America is notoriously poor and this situation has only worsened with the implementation of *mano dura* policies, which resulted in increased prison populations and worsening conditions. The percentage of inmates that are considered to be gang members varies from 5.8 percent in Guatemala to 21.6 percent in Honduras and 32 percent in El Salvador (*Dirección General de Centros Penales de El Salvador*, 2007; *Sistema Penitenciario Nacional de Guatemala*, 2006; *Comisionado Nacional de derechos Humanos*, 2005).

Prisons offer few if any rehabilitative or educational programs, and many facilities serve essentially as “gang finishing schools.” In many instances it is widely acknowledged that the inmates, rather than the guards, control the prisons’ inner workings. An additional concern is the level of violence within these facilities and the inability on the part of staff to control it or acquiescence to it. A number of high-profile prison massacres and fires have occurred in Honduras and El Salvador, including the case of El Porvenir prison in Honduras in 2003 (see Box 4.1 for more details).

#### Box 4.1 El Porvenir Prison, La Ceiba, Honduras

On April 5, 2003, 63 prisoners, mainly gang members, and five visitors were killed in El Porvenir penal farm in La Ceiba, Honduras—most of them shot, stabbed, beaten or burned. Prison officials initially claimed that the 18<sup>th</sup> Street gang had initiated the violence, then barricaded themselves in a cellblock and set a suicidal fire. However, subsequent evidence revealed that the conflict was a premeditated massacre in which police and prison authorities were actively involved in the execution of unarmed gang members. On June 4, 2008 the Sentencing Tribunal of La Ceiba handed down 21 guilty verdicts to police and military personnel involved in the massacre at El Porvenir.

Source: Information is provided by Oscar Estrada, independent filmmaker of “El Porvenir” and the Committee of the Relatives of Massacre Victims of El Porvenir (COFAMA).

#### 4.4 POLICIES FOR ADDRESSING YOUTH AND GANG VIOLENCE

The policy recommendations presented in this chapter focus primarily on the *prevention* of youth and gang violence and are based upon international evidence of what works in youth violence prevention. Although these policies are not meant to be exhaustive, they highlight the numerous possible solutions for youth violence prevention that could be undertaken by Central American governments, depending on the particular context and reality of each country. The recommendations in this chapter also take into account the governmental and non-governmental youth and gang violence prevention programs currently in place in Central America.

##### **Selection of Policies and Programs for Addressing Youth and Gang Violence.**

Given the budget constraints faced today by many Central American governments, it is essential to have criteria for the selection of programs and policies in order to best be able to prioritize. As a result, the first step would be for governments to **reallocate resources away from programs that have been shown not to work** in terms of youth violence prevention

Within the area of **criminal justice**, policies and programs which have shown to be **ineffective** include **get-tough strategies (such as increased youth incarceration, trying juveniles in adult courts and placing them in adult criminal institutions)** (World Bank, 2008b). Specifically, despite being one of the most common official responses by many governments in Central America, *'mano dura'* and *'super mano dura'* programs have proven to be the least effective among a range of policy options (World Bank, 2006). Although the goal of *'mano dura'* programs is to get juvenile offenders off the streets and put them behind bars for longer periods of time, evaluations show that, instead, they increase criminal behavior over time rather than deter it. Evaluations carried out in the U.S. show that young people placed in adult correctional institutions are eight times more likely to commit suicide, five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked by a weapon than if they were in a prison designed for young people. Moreover, these results also contribute to higher rates of recidivism (Bishop 2000; Bishop and Frazier 2000; U.S. Surgeon General 2001; WHO 2002). Research also shows that even when young people are placed in juvenile prisons, their incarceration is highly correlated with future criminal behavior, even more so than factors such as gang affiliation, weapons possession, or family dysfunction (Benda and Tollet 1999). Furthermore, research has shown that juvenile confinement reduces the chances that troubled youth will successfully make the transition to adulthood, they achieve less academically, and are employed more sporadically than peers who were sentenced to programs that focused on drug treatment, individual counseling, or community service (Homan and Ziedenberg, forthcoming).

Additional policies and programs within criminal justice that have shown not to be effective include **zero-tolerance or shock programs**. For example, programs that introduce delinquent youth to prison inmates who describe to youth the harsh reality of prison life have had either neutral or negative effects in terms of deterring young people from violence (U.S. Surgeon General, 2001). School-based shock programs, such as the popular U.S. program DARE (Drug Abuse Resistance Education program), in which uniformed police officers go to elementary classrooms to teach students how to resist peer pressure and avoid drugs, gangs, and violence has been proven to have no preventive impact (Donnermeyer and Wurschmidt 1997; Ennett et.al. 1994; Lynam et al. 1999; West and O'Neal 2004). Boot camps, which are often used as an alternative to incarceration and are essentially based upon military training, have been shown to have no significant negative effects on recidivism and may increase delinquent and criminal behavior (World Bank 2008b); this is most likely due to their focus just on physical discipline instead of on life skills.

The second step would be for governments **to reallocate these resources towards programs that have been shown to have a positive impact on youth violence prevention and are cost-effective.** This chapter includes 15 policies, categorized according to “core” policies, or policies that have an extensive evidence base behind them; “promising” policies, which include policies that although they do not have as much evidence behind them, still are recommended; and ‘general’ policies, or policies that are not specifically designed to prevent youth violence, but which have been proven to have a positive impact.<sup>25</sup> **It is important to note that the majority of the ‘core’ and ‘promising’ policies presented in the sections below fall within the area of prevention, via human development programs. Ideally these policies would be implemented at the national level and accompanied at the municipal and community levels.**

### **‘Core’ Policies**

These five policies have an established track record in *preventing* youth violence, as well as other risky behaviors among young people, and should therefore form the basis of any youth violence prevention strategy. **All of these policies focus on preventing disadvantaged youth from becoming at risk in the first place. Many of these policies will have a faster impact on levels of violence if they are specifically targeted at at-risk youth in high violence ‘hot-spot’ communities.**

**Early Childhood Development (ECD) Programs:** Investing in ECD programs (particularly targeted towards poor families) has been found to be one of the most cost-effective ways to reduce a variety of risk behaviors among youth (World Bank 2008b). Empirical evidence from around the world shows that investing in ECD programs (which include health care, nutrition supplementation, mental stimulation, pedagogical activities, and parenting training) has long-term impacts on improving human capital outcomes (educational achievement, health, and nutrition), as well as on reducing a variety of risky behaviors, such as crime and violence, domestic abuse, and substance abuse (Grantham-McGregor et al. 2007; Schweinhart et al. 2005; UNESCO 2007; WHO 2003b). Including effective parenting training in ECD programs, in particular, has been singled out in evaluations as being one of the most important factors in reducing youth violence (Grantham-McGregor et al. 2007; UNESCO 2007; U.S. Surgeon General 2001; World Bank 2005f, 2006a, 2006d).

**Effective Parenting:** Parenting training promotes positive, healthy, and protective parent-child interactions which can reduce domestic violence, the extent to which young people associate with delinquent peers, alcohol and substance abuse, arrests, and school dropouts (World Bank, 2008b). It also reduces the use of tobacco, alcohol, and drugs, anger, alienation, aggression, delinquency, and misconduct (Gomby, Culross, and Behrman, 1999). The most consistent findings in prevention of youth violence and delinquency support the value of family interventions from birth through adolescence. For example, nurse home-visitation programs have been shown to result in improvements in parenting skills and reduction in children’s aggression (Olds, D., 1998). Programs for older children and their families that help parents to decrease negative parenting and reduce coercive interactions have also been found to reduce child aggression and delinquency (Patterson, Reid, and Dishion, 1992). Given the unique challenges faced by many families in Central America as a result of economic stress and migration, often resulting in parental absenteeism, variations of these programs might have to take place. Another approach to family interventions includes teaching parenting skills to young people before they become parents (Wekerly and Wolfe, 1993)

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<sup>25</sup>The concept of ‘core,’ ‘promising,’ and ‘general’ policies is adopted from the World Bank Study (2008), “Youth at Risk in Latin America and the Caribbean, Understanding the Causes, Realizing the Potential,” and the World Bank Policy Toolkit for Middle Income Countries (2008), “Supporting Youth at Risk.”

**Programs to Increase Secondary School Access and Completion:** Policies and programs to encourage secondary school enrollment and completion are critical since secondary school completion is one of the most important preventive investments a country can make in at-risk youth – both in terms of improving their educational outcomes and in reducing nearly all risky kinds of behavior, including crime and violence (U.S. Surgeon General, 2001). School failure and dropout are risk factors for youth violence and delinquency and young people who stay connected to school have less likelihood of exhibiting disruptive and violent behavior, carry or use a weapon, or experiment with illegal substances. From the perspective of the youth crime and violence problem, it is also important to address the remaining, considerable gap in secondary coverage for poor urban communities. It is also critical to ensure high quality teaching and curricular relevance, including programs to develop generic life-skills and to strengthen the connection between school and work. Other measures would be to provide incentives to families of at-risk youth to send them to school, i.e. through conditional cash transfer programs (or provide conditional cash transfers (CCTs) to youth themselves); improve school quality and relevance, and increase the involvement of parents.

**School-Based Violence Prevention Programs:** Evidence shows that violence prevention programs are one of the most successful school-level interventions for reducing risky behavior (Gottfredson, Wilson, and Najaka 1995). Schools are ideal places to socialize young people and develop their resistance to crime and violence. The school curriculum throughout the primary and secondary cycles should promote the development of responsible citizens, delivering anti-violence and risk-prevention programs, teaching children to respect themselves, to understand risks from their own behavior or that of others, to identify and resist gangs and bullying, and to understand the rationale for social norms such as the respect for others' lives and property. School-based violence prevention programs are so successful because of their ability to target young people according to their ages, experiences, and culture.

**Social communication against violence:** Research shows that community-wide communication campaigns have succeeded not only in altering public perceptions about violence, but also in preventing risky behavior by young people whose actions and attitudes are greatly influenced by the behavior of their parents, families, and community members (U.S. Department of Health and Human Services, 2001). Anti-violence messages in the media can help to prevent youth violence by changing attitudes towards the multiple types of violence that affect young people, such as corporal punishment, interpersonal violence, domestic or gender abuse, and aggressive attitudes relating to masculinity. Media campaigns can also reach out to out of school youth who are beyond the reach of school-based programs but need to be accompanied by personal interventions at the community level.

#### **'Promising' Policies**

**Although the policies below have not been as widely evaluated as the core policies above, they possess sufficient evidence that they are worthy of recommendation. Most of these policies focus on young people who are already engaged in some forms of risky behavior and would benefit from a second chance.**

**Remedial and second chance education:** Special attention needs to be given to children at risk of dropping out of school – either because they are doing poorly in class or playing truant - through remedial classes and after school homework support groups. For those who *do* drop out of formal education, and face the prospect of a dead-end career and the temptation of crime, “second chance programs” (often most effectively provided through NGOs) should be developed to offer the opportunity to achieve high school equivalency, which increases their chances of entering the labor market and receiving higher wages. Second chance education can also provide many intangible benefits to young people, such as improved social and interaction skills, increased confidence, and self-esteem (Saunders, Jones, Bowman, Loveder, and Brooks, 2003; Wyn, Stokes, and Tyler, 2004). While there are few rigorous impact evaluations of

these types of programs, the evidence that does exist suggests that they come with high rates of return and relatively low costs.

**Box 4.2. Ceiba: Responding to crime and violence in low income communities**

Since 1989 the NGO *Ceiba* has worked on the prevention of gang crime and violence and drug addiction in marginalized rural and urban communities of Guatemala and has benefitted more than 50,000 Guatemalan youth. Ceiba works to strengthen and consolidate community organization in four ways:

- Capacity-building and organizational strengthening of groups working with youth at risk, improving operational and financial management;
- Educational programs to facilitate inclusion for marginalized youth;
- Technical capacity building and entrepreneurial training
- Socialization of beneficiaries to reduce conflicts.

Ceiba has three programs focused on the drug and *mara* problem in Guatemala:

*“Universidad de la Calle”*: This *“programa de acompañamiento en la calle”* offers the first direct contact with street youth. Youngsters identify youth leaders and youth who they think are at risk. The program then involves them in environmental education, awareness campaigns, sports and other recreational activities, workshops and group therapy.

*“Educación formal alternativa”*: This is a program (approved by the Ministry of Education) for youth outside the traditional educational system. There are sub-programs for children of preschool age, school age, youth older than the school age limit, kids with poor performance or who were expelled from school for bad behavior, etc. To participate in this Program the beneficiary must quit drugs and gangs.

*“Empresa educativa”*: This Program develops technical and entrepreneurial skills to help young people in their labor reinsertion as employees or independent workers.

*Source*: Marco Castillo, Director of CEIBA, Nov., 2007. Phone interview and Website info: <http://www.grupoceiba.org/>

**‘Comprehensive’ Job Training Programs:** Studies show that comprehensive job training programs have shown promising results in terms of increased youth employment, particularly in developing countries (World Bank, 2008b). Research has shown that a range of different kinds of support is needed to teach at-risk youth how to behave in the workplace and help them move from being socially excluded to becoming active members of society. Comprehensive training programs go beyond technical training to focus on developing the young person’s skills as a worker by providing him or her with a wide range of support, including general skills, life skills, job search and placement assistance, and self-employment services.

**Life Skills Training:** Knowledge of life skills reduces the risk of drug use, risky sexual behavior, improves anger management, improves academic performance, and enhances social judgment (Mangrulkar, L., C. Whitman, and M. Posner, 2001). In the U.S., young people who are given life skills training in high school tend to be more productive and make smoother transitions into a job or higher education (Hahn, A., T. Leavitt, and S. Lanspery, 2006). In addition, schools can also be used to prevent not only school-based violence (i.e. between peers, teacher-student) but also to help prevent domestic violence and provide parenting training.

**Youth-Friendly Spaces, Mentoring and Youth Service programs:** Research shows that the simple construction of community centers does not have an impact on youth behavior, but that constructive youth activities that are *supervised* by a caring adult can have a positive impact on young people and help them perform better in school and in life (World Bank 2008b). On the other hand, young people who are not

supervised during after school hours are more likely to use alcohol, drugs, and tobacco, engage in criminal and other risky behavior, do poorly in school, and drop out of school (American Youth Policy Forum. 2006). Mentoring programs, which also includes the attention of a caring adult, can serve as strong protective factors for at-risk youth, particularly for those who lack positive adult role models in their homes. Lastly, studies have shown that young people who volunteer via youth service are 50 percent less likely to abuse drugs and alcohol, to engage in delinquent behavior, or to drop out of school (Alessi, B., 2004).

#### **Box 4.3. Panama's Comprehensive Security Program (PROSI)**

PROSI has two main components: institutional strengthening and prevention. *Institutional strengthening* includes: (i) strengthening and improving the performance of institutions involved in citizen security and crime prevention at the national level (MINGOB, including its National Police force and the penitentiary system, MINJUMNFA) and local level; (ii) capacity building to municipal and national government employees involved in crime prevention; (iii) creating an integrated information technology and statistics system allowing the Government to develop national policies on crime and violence prevention, including an Observatory for an on-going geo referenced assessment of the problem; and (iv) incorporating a monitoring and evaluation system. *Prevention activities*: The Program foresees implementing community-based violence prevention programs; violence prevention activities in schools; peaceful conflict resolution programs; building recreational, educational and social infrastructure; vocational training programs; and integral attention initiatives that include return-to-society programs, and remedial education for youth at risk and young offenders.

*Source*: Belikow, Juan, "Inventory of Crime and Violence Programs in Central America," 2009.

### **'General' Policies**

The policies below, which are not specifically designed or targeted towards at-risk youth, have been shown to have a disproportionately positive effect on youth, and specifically on levels of youth violence, by addressing key factors at the community and macro level. It should be noted that most of these interventions have been most successful when implemented at the **municipal level**.

**Develop specialized agencies for dealing with young offenders, with a focus on rehabilitation and providing second chances to young offenders:** Higher recidivism rates are associated with harsh prison conditions as well as with incarcerating young persons alongside adults (Ryan and Ziedenberg, 2007). For this reason, most countries have specialized courts and probation agencies which provide second chance opportunities before resorting to incarceration of juvenile delinquents. A key element of this approach is the introduction of graduated sanctions for first-time and minor repeat offenders, which typically include two components: i) a community accountability board, made up juvenile court personnel, probation officers, and/or citizen volunteers, who meet with offenders to assign sanctions for their offences and to monitor and enforce a diversion agreement (an agreement that allows an offender to avoid going to court and/or jail in return for certain commitments); and ii) graduated consequences if a youth fails to comply with the requirements of the community accountability board. The graduated sanctions must be designed to fit a variety of offenses so they should include a range of nonresidential and residential (i.e. institutional) alternatives (Guerra, 2006).

**Reduce the Availability and Use of Firearms:** Youth crime and violence are correlated with rises in lethal crime and violence committed with firearms (Cook, Philip and Jens Ludwig, 2006). When there are more firearms in circulation it becomes easier to obtain them illegally, by-passing restrictive legislation. Limiting the supply of firearms reduces the number of deaths and injuries caused by guns. This can be done through laws against gun trafficking coupled with targeted enforcement interventions to reduce the quantity of firearms in circulation. Policies and programs that involve aggressive patrols in high crime

neighborhoods to arrest youth who carry guns illegally have shown some success in the U.S (Guerrero, 2003). See also Chapter 5.

**Safe Neighborhood Programs or place-specific prevention:** Safe neighborhood programs can modify the physical environments in which young people act and interact in ways that are likely to prevent them from engaging in risky behavior, particularly in ‘hot-spot’ neighborhoods. Studies have shown that safe neighborhood programs increase the public’s perception of safety and the image of the police, both of which are essential to addressing the underlying causes of youth violence (see, for example, Buvinic, Morrison and Orlando, 2003). These programs can include the installation of street lighting, the removal of high fences that provide cover to criminals, and the rehabilitation and re-appropriation of community public spaces. Ideally they are combined with targeted social prevention activities as well as community policing programs such as those listed below. A study of gangs and social capital carried out in El Salvador, for example, showed that gangs thrive in neighborhoods and communities where poverty is manifested in the absence or inadequacy of social services and in neighborhoods where the streets are in poor condition, and where public and community infrastructure may be run down, dirty, and even abandoned (Cruz 2007).

**Community policing** makes policing more responsive and accountable to local communities, creating bonds of trust and reliance, increasing crime reporting and reducing police abuses. Successful community policing programs can revitalize police forces, and increase the public’s perception of the safety of their environment (World Bank, 2008b).

#### **Box 4.4. Guatemala’s National Violence Prevention Program**

A \$29 million loan from the IDB will support a violence prevention program that will emphasize protection of victims of domestic violence, support for at-risk children and adolescents, and reintegration of minors and youths exposed or linked to gangs. The program will be carried out by the Office of the Deputy Minister for Community Support (VAC) and will help establish violence prevention as a state policy and improve coordination among various programs and actions underway to address risk factors associated with crime. Specifically, the program will provide technical assistance, training, equipment and materials to participating agencies, such as the Victim Assistance Offices and shelters for abused women and children; support preventive actions such as the *Sueños de Jóvenes por la Paz* (youth dreams for peace) program, underwrite cultural and recreational activities offered by two other programs, *Barrio Adentro* (inside the barrio), and *Deporte para Todos* (sports for all), which promote the constructive use of free time, and a pilot project for youth job training and employment. For minor and youth offenders, the program will strengthen the social rehabilitation services offered by the Social Welfare Secretariat and support substance abuse treatment, job training, psychological and psychiatric support, and the improvement of classrooms, infirmaries and sports facilities of juvenile detention centers.

*Source:* Inter-American Development Bank website: [www.iadb.org](http://www.iadb.org)

**Municipal Ordinances to Increase Price and Reduce Availability and Use of Alcohol:** Policies that reduce a young person’s access to alcohol can have a significant impact on several negative outcomes. For example, alcohol has consistently been identified as a contributing factor to several serious outcomes for young people in the LAC region, including homicides and suicides (PAHO, 2005). Possible policies include increasing alcohol taxes and sales restrictions, including controls on hours of operation, density, and location of sales outlets, as well as imposing a minimum age for purchasing alcohol. A key factor is the credible threat of sanctions on merchants in violation of regulations. The most effective sanctions include progressive penalties, which can include warnings, fines, firing of individuals, closing establishments, and imprisonment of violators. Tax increases and sales restrictions should be implemented at the same time to have the maximum possible impact on youth alcohol consumption.

#### **Box 4.5 Jóvenes Hondureños Adelante Juntos (JHA-JA)/Young Hondurans Advancing Together**

Young Hondurans Advancing Together focuses on five phases to engage and assist gang members to reintegrate into society:

- 1) Diagnostic: provides profile information on gang members
- 2) Engagement and reconciliation of gang-related conflict—shows gang leaders and members that the program is not a threat and takes into account the gang code of honor;
- 3) Individual and group programs – provides psychological support, vocational training, identification of job opportunities, and assistance in resolving family conflicts and drug rehabilitation;
- 4) Follow-up with families – involves family and attempts to reconcile conflicts; and
- 5) Social reintegration, which combines all phases of the program, resulting in reconciliation, regained trust by gang members and the community, and reintegration of gang members into society.

Source: Belikow, Juan, “Inventory of Crime and Violence Programs in Central America,” 2009.

**Documentation campaigns in marginal communities.** Citizen documentation campaigns are an effective way to reduce social exclusion. Many gang members belong to an “under class” of undocumented individuals, who are effectively excluded from a wide range of social rights. A birth certificate is recognition by the state of a child’s membership of society. When a citizen can prove their identity, they become entitled to basic services and rights that underpin their ability to keep healthy, receive an education, stay safe, and earn a living (World Bank, 2008b).

**In summary,** in order to increase the likelihood of success in addressing youth and gang violence, Central American governments should seek to design an **integrated, comprehensive, holistic, and cross-sectoral** (i.e. government, police, communities, schools, health care providers, among others) youth and gang violence prevention strategy, which would be carried out simultaneously at the **national and municipal level**, and would combine both **prevention (through human development programs) as well as control approaches (criminal justice)**.

To be most successful, the above recommended interventions should: (i) **combine policies directed towards individual and community risk factors**, but also be strengthened with policies that try to modify structural conditions that can lead to the onset of criminal and violent behavior, such as quality and coverage of education, job/training opportunities, as well as judicial and police reform; (ii) **link to the community in which the young person lives**; (iii) **respond directly to the risk and protective factors present in the young person’s life**; (iv) be a **joint effort between community assistance organizations and the police**; (v) **incorporate the family of the young person being targeted**, given that connectedness with family has been shown to be one of the strongest protective factors against youth violence; and (vi) **try to improve the socioeconomic situation of high-risk families**.

**Lastly, interventions must be evidence-based and** efforts must also be made to learn from successful youth and gang violence interventions in the region, most notably Nicaragua and Panama, and if possible to rigorously evaluate these interventions to be able to assess their long-term impact, their impact on other sectors, as well as their cost-effectiveness.

## CHAPTER 5 SMALL ARMS IN CENTRAL AMERICA

*The overwhelming majority of murders in Central America are committed with firearms. More than 3 million are believed to be in circulation in Central America, and less than one-third are registered with public authorities. Although most countries in the region are committed to international and regional norms and legislation associated with arms control, national implementation and enforcement of gun laws remain sporadic. Regional and international evidence suggests that the implementation and enforcement of firearms legislation can reduce armed violence, particularly when such measures are part of wider crime and violence prevention programs.*

This chapter considers the issue of the widespread availability of fire arms as one of the principal drivers of crime and violence and in the region. The chapter discusses what is known about the availability of guns in the region, describes international and national efforts to regulate and control arms, and offers some policy conclusions.<sup>26</sup>

### 5.1 THE ARMS TRADE

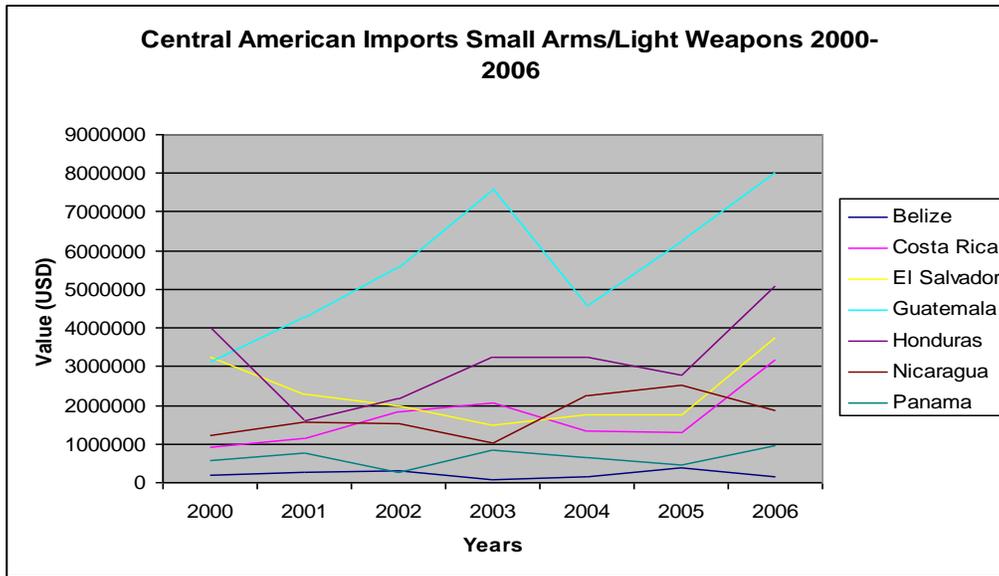
Although rates fluctuate from country to country, between 65 and 70 percent of all reported homicides are committed with registered and unlicensed handguns and rifles of various descriptions (FLACSO, Arias Foundation). Such weaponry and munitions are produced chiefly outside of the region. While many guns are brought into the region illegally, there are still a wide range of legal transfers of arms into Central America. In 2005, recorded transfers of firearms and ammunition to Central America came from the United States, Canada, the Czech Republic, Argentina, Turkey, Philippines, South Korea, Colombia and Austria. All countries' imports increased significantly between 2005 and 2006, except Nicaragua which saw a decline in imports. Weapons imported to the region, according to official customs data, include revolvers, pistols, hunting rifles, shotguns, AK-47 assault rifles, M-16s, rocket launchers, hand grenades, and semi-automatic rifles.

The abundance of both legal and illegal small arms in Central America can be traced to both leftover military stocks from the civil wars in Central America and new supplies from outside the region in the form of both legal and illegal transfers. Decades of armed conflict and Cold War geo-politics were instrumental in shaping the transfers of weapons and munitions into the region from countries such as Cuba, Russia and the United States. A major factor contributing to the surge of guns-related criminality in the region is the trafficking of narcotics, which has facilitated the availability of firearms. More specifically, the firearms required for protection of the contraband during transportation are smuggled along with the drugs. The illegal drugs are also traded for foreign exchange and for illegal firearms from the U.S. These weapons are used for protecting turf, for intimidating customers and competitors, for empowering recruits into the distribution networks (or gangs), for maintaining discipline within them and for executing informers.

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<sup>26</sup> This chapter is based in part on a background paper prepared by Robert Muggah (Research Director of the Small Arms Survey, Geneva) and Chris Stevenson (researcher with the Small Arms Survey, Geneva).

**Figure 5.1: Central American Arms Imports: 2000-2006**



Source: Nisat (2008).

It is estimated that there are more than 3 million legal and illegal small arms in circulation in Central America (see Table 5.1), with far more illegally possessed weapons than legitimately owned firearms. For example, Guatemala reports just over 147,000 legally-owned civilian firearms, but the total number of weapons estimated to be in circulation is nearly two million (for additional information on the estimated firearms distribution in Latin America and the Caribbean see Annex 5.2).

**Table 5.1: Guns Owned by Civilians in Latin America and Caribbean, 2007**

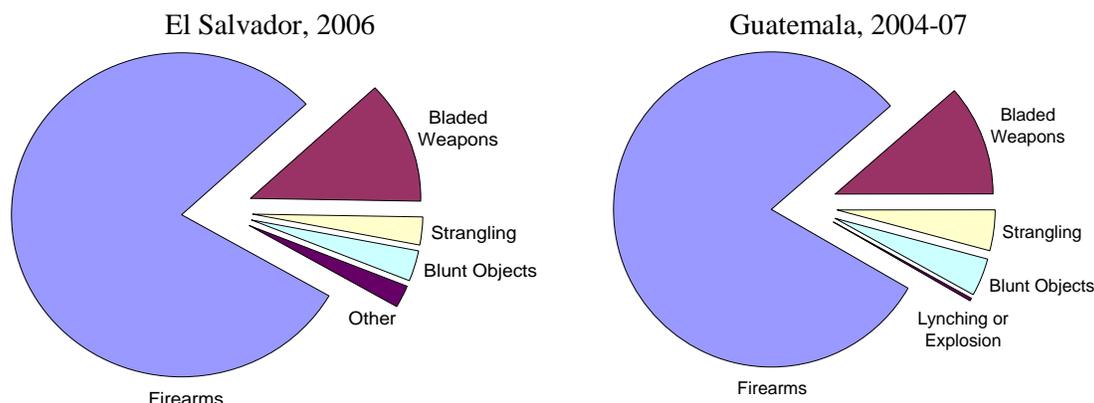
Country	Registered	Total estimated	Guns per 100 people
Antigua & Barbuda	NA	5,300	6.7
Bahamas	NA	17,500	5.0
Barbados	NA	15,000	5.0
Belize	NA	22,500	8.7
<i>Costa Rica</i>	<i>43,241</i>	<i>115,000</i>	2.8
Cuba	NA	540,000	4.8
Dominican Republic	NA	470,000	5.3
<i>El Salvador</i>	<i>198,000</i>	<i>450,000</i>	7.0
<i>Guatemala</i>	<i>147,581</i>	<i>1,950,000</i>	15.8
Haiti	20,379	190,000	2.3
<i>Honduras</i>	<i>133,185</i>	<i>450,000</i>	6.2
Jamaica	65,000	215,000	6.0
Mexico	4,490,000	15,500,000	15.0
<i>Nicaragua</i>	<i>NA</i>	<i>385,000</i>	7.0
<i>Panama</i>	<i>96,600</i>	<i>525,600</i>	5.4
Trinidad & Tobago	7,801	20,100	1.6

Source: Karp 2008, Arias Foundation 2005.

## 5.2 GUNS AND HOMICIDE

As violence has increased in Central America, so too has the use of firearms. Increasingly, more powerful weapons are being used, resulting in higher mortality levels. Guns are the weapon for the overwhelming majority of murders in Central America. Figure 5.2 shows the breakdown by weapon for murders in Guatemala and El Salvador. The profiles are remarkably similar: in both countries, firearms were used for 80 percent of killings.

**Figure 5.2: Weapons Used for Homicide**



Source: Instituto Medicina Legal for El Salvador, and Policía Nacional for Guatemala

A range of trends emerged from a victimization survey carried out by Small Arms Survey in Guatemala in 2008.<sup>27</sup> For example, firearms were overwhelmingly present in all reported incidents of victimization. Specifically, in 99 percent of incidents, at least one firearm was held by at least one of the attackers. In the department of Zacapa, Jutiapa, El Progreso and Baja Verapaz, attackers used firearms exclusively. In addition, it was found that around 30 percent of respondents own any kind of arm, while almost 10 percent own a firearm. Of those who do not own one, 16 percent would like to own a firearm.

**Table 5.2: Weapons Used for Homicide**

<b>Perceptions about Weapons</b>	<b>% of respondents</b>
Believe some sort of weapon is useful for self-protection	25%
Own a weapon	31%
Believe that a gun makes one more safe	44%
Own a gun	9%
Would like to own a gun	16%
Believe that someone in neighborhood owns gun/explosives	44%

Source: Bank staff analysis of Guatemala arms survey data.

### 5.3 INTERNATIONAL AND NATIONAL ARMS CONTROL INITIATIVES

Given widespread concern about homicide rates and the role that firearms play in homicide, Central American countries have actively participated in international and national arms control initiatives. In addition to being full members of the United Nations<sup>28</sup>, all countries in the region have signed on to the *UN Convention Against Transnational Organised Crime (2000)* and its *Protocol against the Manufacturing of and Illicit Trafficking in Firearms, their Parts and Components and Ammunition*

<sup>27</sup>These are lower bound estimates of the actual prevalence of armed violence and arms possession, because the coverage of the survey was constrained on occasion by factors related to violence and firearms, e.g. some sample communities could not be interviewed because of ongoing violence, or because threat of violence represented a risk to survey operations.

<sup>28</sup>All countries have signed and ratified the Charter of the United Nations, the Statute of the International Court (1945), the Universal Declaration of Human Rights (1948), the Geneva Convention (1949) and others.

(2001). They have also all participated in the *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA) since 2001. While not legally-binding, the PoA commits all signatories to uphold high standards in the manufacturing, export, import, transfer, regulation and storage of arms and ammunition. It also encourages countries to promote information and intelligence cooperation and establish national focal points to coordinate domestic responses to arms availability and misuse.

Parallel efforts to attend to the trade, transfer and misuse of small arms are also taking place at the regional level. For example, Costa Rica, El Salvador, Guatemala, Nicaragua and Panama have ratified the Organization of American States (OAS) *Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives and other Related Material* (CIFTA 1997). The Convention calls on all signatories to reduce the illegal arms trade through enhanced standards and cooperation between intelligence, law enforcement and border officials. Likewise, in 2003, OAS members also ratified the *Declaration of the Special Conference on Security in the Americas*<sup>29</sup> and modified the *Model Regulation for the Control of the International Movement of Firearms, their Parts and Components and Ammunition*.<sup>30</sup>

A range of institutions and instruments have been established in the sub-region to convert declarations into deeds, including the *Tratado Marco de Seguridad Democrática en Centroamérica* in 1995. All Central American countries are members of SICA – the Central American Integration System. Through this mechanism, countries have endorsed the *Guatemala Declaration for a Region Free of Corruption* (2006) and the *Code of Conduct on Arms Transfers* since 2005.<sup>31</sup> The *Code of Conduct*, in particular, calls on all parties to enhance licensing controls, end transfers to countries that might use weapons to commit human rights violations, ensure responsible transfers and respect for international humanitarian and human rights and sustainable development.<sup>32</sup>

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<sup>29</sup> This Convention signals the respect of OAS members for international and regional regimes to control arms.

<sup>30</sup> These modifications sought to ensure that brokering controls were introduced. It should also be noted that all Central American states are also party to the *CICAD Amendments to the Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition, originally proposed by the UN Group of Experts on Brokering Regulations* (2003)

<sup>31</sup> This Code of Conduct was based on the Laureate's Code of Conduct on Arms transfers (1997) and was drafted by Nicaragua in its capacity as President of SICA at the time. It should be noted that Costa Rica only approved the Code of Conduct in 2006.

<sup>32</sup> In 2005 during the national statements at the PoA (*UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspect*) Biennial Meetings, SICA members also endorsed an *Arms Trade Treaty*, an initiative that is now in discussion in the First Committee of the UN General Assembly.

**Box 5.1. The Central American Small Arms Control (CASAC) Programme**

The Central American Small Arms Control (CASAC) Programme was approved by the Security Commission of SICA on 19 December 2003 and is implemented by UNDP-Nicaragua. It is a trans-regional initiative designed to ‘establish a regional framework to strengthen the control of small arms and light weapons and contribute to reduce the incidence and potential of armed violence’<sup>33</sup> Its objectives are to assist states in their efforts to control and reduce the illicit small arms trade, armed violence, and to strengthen security, stability and sustainable development in the region.<sup>34</sup>

CASAC adopts a range of approaches to enhancing arms control and violence reduction in Central America. These include legislation, the development of national reform initiatives, the promotion of legal and political instruments, investment in the reform and capacity-building of law enforcement agencies, NGOs and research institutes, the monitoring of arms control and violence reduction activities and advocacy. CASAC advances a ‘comprehensive’ approach providing coordination and linkages for regional bodies to international and domestic initiatives and actors.

Meanwhile national laws provide the practical framework for implementing international and regional commitments and synchronizing them with domestic realities. All countries in Central America have firearms legislation that provide some aspect of normative and regulatory controls on weapons ownership, firearms registration, use and movement, with various revisions and amendments to improve these laws, in particular by El Salvador and Nicaragua. The Guatemalan Congress is also currently discussing a ‘Law to Control Arms and Munitions.’ At present, a citizen can buy up to 12 pistols or guns, with four licenses, and has the right to purchase 15,000 rounds of ammunition per month. The new proposed legislation would stipulate that one person can only purchase three devices, and only one license, after passing examinations on psychological stability and ability.<sup>35</sup>

Annex 5.1 provides an overall review of existing national laws in Central America. In general though, national implementation and enforcement of gun laws remain sporadic and could be much improved. At the same time, it is important to note that the gun issue in Central America transcends regional and national boundaries as many weapons that are trafficked are sourced from the United States and is closely linked to the trade in drugs. No regional strategy in these areas can hope to succeed without significant support from the US. This support has frequently been lacking, especially for weapons control. Recently however, there is increasing recognition in the US that strategies to interdict the flow of drugs from south to north must be supported by greater efforts to restrict the flow of guns in the reverse direction.<sup>36</sup>

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<sup>33</sup> See CASAC Executive Summary of ‘Central American Programme on Small Arms and Light Weapons Control.’

<sup>34</sup> Telephone interview with Miguel Barreira, UNDP Nicaragua/CASAC, 23 June 2008.

<sup>35</sup> La Prensa Latina, March 20, 2009.

<sup>36</sup> CNN, March 26, 2009; New York Times, March 25, 2009.

**Box 5.2: The Merida Initiative**

The Merida Initiative is a multi-year program designed to enhance security provision in Central America.<sup>1</sup> It focuses on the provision of training, equipment, technical advice, and community action programs to law enforcement and security agencies in Central America and Mexico. The objective of the initiative is to counter the trade in drugs, reduce weapons trafficking and confront gangs and organized crime (US Department of State, 2008).

The proposed budget for 2008 amounted to USD 500 million for Mexico and USD 50 million for Central America while the 2009 budget includes USD 450 million and USD 100 million respectively.<sup>1</sup> The US Congress approved the Merida Initiative in June 2008. Though the 2008 budget was lower than anticipated – USD 400 million was allocated to Mexico and USD 65 million for Central America – it suggests that security and violence are rising to the top of the regional agenda. Nevertheless, some observers are concerned that the plan is focused too extensively on enhancing security forces, without incorporating any plans to expand violence prevention and reduction initiatives

### Box 5.3: Private Security in Central America

Many of the guns in Central America are in the hands of private security companies, which play an increasingly significant role in the region. These firms provide an array of functions, including monitoring, investigation services, and the provision of bodyguards. They are frequently managed by working or retired police or military officials. The growth of the private security industry in the region is commonly attributed to a widespread sense of insecurity and a lack of trust in the police and the judiciary.

The private security industry has existed for many decades but expanded in the 1990s following the signing of peace agreements in the region. In El Salvador and Guatemala, private security firms sometimes incorporated ex-combatants from civil wars, and throughout the region many working for private security firms are former government security personnel.

The growing force of private security firms is a concern in part because the progressive privatization of security in the region is a symptom of the failures of the public criminal justice system. In Guatemala in 2006, there were approximately 130 registered private security companies, 99 in the process of registration, and 31 operating without any authorization (Fundación Myrna Mack 2006). Two years later, the number of illegal companies had more than doubled, reaching more than 70, while the number of authorized agencies reached 144 (Prensa Libre 2008a). Overall, the private security sector in Guatemala employs around 120,000 guards, dwarfing the number of police officers (approximately 20,000) in the country. In Honduras, informality is even more predominant, as the number of illegal companies outnumbers the legal ones. The ratio of private guards to public police officers is just under 5 (Carballido Gomez 2008). In Nicaragua, there were only 8 companies of private security in 1995; less than 10 years later the sector had grown by 600 percent (La Prensa 2003).

#### Private Security Companies in Central American countries

	Legal companies	Illegal companies	Private security personnel	Ratio of # of private security personnel to # of police
Guatemala	144 (a)	74 (a)	120,000 (b)	6.01
Honduras (b)	189	211	60,000	4.88
El Salvador (b)	274	-	19,200	1.14
Nicaragua (c)	98	-	18,000	2.00
Costa Rica (d)	100	300	30,000	3.00
Panama (e)	107	-	16,000	1.45

Sources: (a) Prensa Libre (2008), (b) Carballido Gomez (2008), (c) IEEPP (2008), (d) Munoz (2008), (e) Arias (2008).

As a result of the explosive growth of the sector, umbrella associations have emerged in several countries. For example, late 2006 saw the creation of the Guatemala Chamber of Security (CSG), with the stated purpose of coordination, representation, and regulation of the sector. The association is comprised of approximately 500 companies, including companies that produce bulletproof cars, install security cameras, and provide private guards. The sector has been growing at an average rate of 8 to 9 percent since 2005, and in 2008, generated 2.3 billion quetzals (300 million dollars) in revenue, with half this amount due to private guard services (Prensa Libre 2008a).

According to the president of the Guatemala Chamber of Security, there is a severe shortage of trained security personnel, and consequently the typical marginal company ends up recruiting farmers (*campesinos*) from the interior of the country and sending to work with very little or no training. To address this situation, the Chamber advocates the creation of more training centers and the promotion of private security as a professional career (Prensa Libre 2008b).

#### 5.4 ARMS REDUCTION POLICY:

Policies and programs that reduce the availability and use of firearms can reduce violence as the number of firearms in circulation has a direct effect on the ability of those at risk of violence to obtain guns, whether from legitimate sources or illegal firearm sales (secondary markets). A recent World Bank review of traditional gun control measures and their effectiveness divides them into three basic categories (World Bank 2008):

- **Legislative efforts:** legislative efforts can include such measures as: increasing sentences for crimes committed with a firearm, or for carrying or selling illegal firearms; regulating the design of firearms (e.g. banning assault weapons); and by regulating firearm transactions by introducing strict dealer licensing requirements, compulsory licensing for all firearms, mandatory background checks and waiting periods.
- **Supply-side tactics:** targeted enforcement interventions that disrupt illegal firearms sales. This may include increasing enforcement patrols in high-crime neighborhoods, using undercover police to pose as potential gun buyers, and gun buy-back programs.
- **Combined approaches:** legislative action combined with supply-side tactics appears to be the most promising approach.

International evidence regarding the impact of firearm legislation is mixed. While some success appears to have been achieved in some countries such as Canada (Canada Firearms Centre, 1996), in other countries they have not yielded positive results. The 1972 Irish Gun Law, the 1997 Firearms Amendment in England, and Jamaica's banning of firearms and the introduction of mandatory life sentences for firearm crimes, have all failed to reduce firearm injuries and homicides (Mauser, G., 2004). On the other hand, in the US, supply-side programs such as 'Operation Ceasefire' in Boston (targeting the supply of firearms to gangs), and 'Operation Gun Stop' in New York (which offer USD 1,000 for anonymous tips that lead to the arrest of a person in possession of an illegal firearm) have successfully removed thousands of guns of the streets (Cook and Ludwig, 2006, Almo and Golden, 2004).

The international literature on the effectiveness of gun buybacks is rather pessimistic about their effectiveness (U.S. Surgeon General, 1999; Cook et al., 2001; Kennedy et al., 1996; Sherman, 2001; Reuter and Mouzos, 2003). There are ample reasons to be pessimistic about the potential impacts of gun buybacks: (i) there are generally no restrictions on the type of guns repurchased; this means that the majority of guns turned in are typically not of the type or vintage tend to be used in violent crime; (ii) many individuals who turn in guns possess other guns; (iii) a typical buyback takes only a small fraction of guns "out of circulation"; and (iv) buybacks may indirectly increase the demand for guns by taking the risk out of buying guns—by providing purchasers a kind of price support program. There is, however, evidence from Colombia (Villaveces et al, 2000) that legal *restrictions on the carrying of guns* resulted in lower levels of homicide. In Brazil, a program combining a buyback with the 2003 'Disarmament Statute' which poses significant legal restrictions on the ability to own and carry weapons is thought to have contributed to a decline in homicide rates, significantly so in states where there were serious efforts to enforce the laws and where the initiative was part of a wider public safety initiative (Instituto Sou da Paz, 2006).

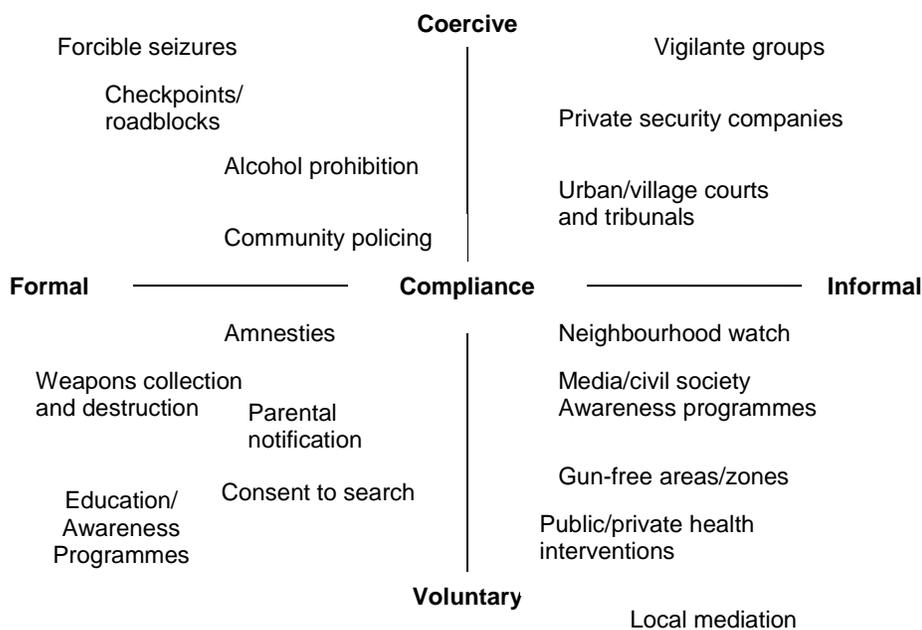
#### 'Second generation' firearms policies

Due in part to the poor returns of legislative arms control efforts - many implemented as part of *Mano Dura* interventions - and based on international evidence, a rash of new approaches are being developed throughout Central America. They draw attention to a wide array of alternative second generation approaches to containing arms availability and integrate an exclusive focus on arms with broader violence prevention programs. In supply-side interventions, these second generation activities focus on identifying

risk factors with solid evidence, enhancing resilience at the municipal level, strengthening partnerships between local government, civil society and the (formal and informal) private sector and constructing interventions based on identified needs that are reported back in a timely fashion.

Second generation activities come in a range of shapes and sizes (see Figure 5.3). Armed violence prevention and reduction programs and projects launched in municipal centers in Nicaragua, El Salvador and elsewhere during the 1990s and early 2000s adopted a host of activities ranging from voluntary weapons collection, temporary weapons carrying restrictions, *in conjunction with* temporary alcohol prohibitions, crime prevention through environmental design in slums and targeted interventions on ‘at-risk youth’ and single female-headed households. These and other interventions in Central America explicitly target the diverse dimensions of arms availability, including the preferences of actors using them, and real and perceived factors contributing to armed violence.

**Figure 5.3. Second Generation Armed Violence Reduction<sup>37</sup>**



Source: Muggah and Jutersonke (2008)

A key innovation of these second generation interventions is their appreciation of the way local context shapes arms availability rather than the other way around. Second generation community-based demobilization and reintegration, security sector reform and civilian weapons collection emphasizes the importance of building on local values and norms associated with gun possession. The priority is shifting from an instrumental focus on arms to the motivations and means (or demand factors) of those acquiring and using them. For example, young men tend to see guns as a badge of honor linked to their masculinity. Interventions are needed that will help them find other ways to develop and assert their gender identity (World Bank 2008). They also recognize that supply-side actions such as cordon-and-search activities or intelligence-led weapons seizures are often more effective when undertaken by accountable and responsive security actors and in combination with other interventions designed to address structural and proximate risks (see Muggah and Jutersonke 2008).

<sup>37</sup> Source: Muggah and Jutersonke (2008)

The introduction of ‘weapons for development’ programs in the El Salvador and Nicaragua and ‘gun free zones’ in other countries all reflect the emergence of a more creative approach to reducing arms availability and armed violence than before (Table 5.3).<sup>38</sup> Such activities complement the current preoccupation of security and development actors with strengthening the national regulatory framework associated with civilian arms ownership, enhancing accountability over the stockpiles of public security providers, and reinforcing civilian oversight over the security sector

**Table 5.3 From first to second generation armed violence prevention in Central America**

	First Generation	Second Generation
Costa Rica		Development of national commission to implement arms controls, increase NGO and civil society participation in this theme
El Salvador	Mano Dura, Anti-Maras Act (2003), Super Mano Dura (2004)	Drugs and violence, children and armed violence, weapons and violence, regional fora on violence, Municipalities without Weapons,
Guatemala	Escoba (2003) and Mano Dura	Costs of violence, designing national arms control policy
Honduras	Zero Tolerance Policy and Operation Thunder (2003)	Small Arms Control and Security and Justice Reform project, emergency relief
Nicaragua		Youth and violence, national arms guidelines for storage/stockpile management, civilian possession, emergency aid.
Panama		Empowerment of civil society/NGOs, legal reforms

International development agencies have played a key role in the design and implementation of second generation responses in Central America. The Inter-American Development Bank, World Health Organization, UNDP, and many others have dedicated specific projects in Central America. For example, the UNDP (2005a) supports small arms control, armed violence reduction, assists with the design of national arms control policies and related awareness, and supports disarmament and reintegration (DDR) processes in Central America. Notable examples of second generation programmes include UNDP’s regional small arms programs<sup>39</sup> and CASAC, the Central American Small Arms Control Program (see box xx)<sup>40</sup>, the *Small Arms Control and Security and Justice Reform* project in Honduras and the *Goods for Guns* program in El Salvador.

**Case study: Second generation armed violence reduction in El Salvador:**<sup>41</sup> *In El Salvador, the issue of armed violence received (unusually) unanimous support among politicians and civil society alike in recent times.*<sup>42</sup> *The UNDP office in San Salvador, in collaboration with its local partners, was instrumental in laying the foundation for armed violence reduction efforts. In 1998, UNDP-El Salvador sought advice from local and international experts on the problem and how to address it. By 2000,*

<sup>38</sup> See, for example, Muggah (2008, 2006) and Muggah and Batchelor (2002).

<sup>39</sup> Under the auspices of the SICA, and led by the UNDP in Nicaragua, Central American states are undertaking diagnostics on armed violence and development. The analysis encompasses Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama and focuses on mapping ongoing armed violence interventions and programmes; the economic, social and cultural impacts of armed violence; and existing legislation relating to weapons. It also includes a national survey on perceptions of security and armed violence for each country in the sub-region.

<sup>40</sup> Telephone interview by Chris Stevenson with Miguel Barreira, UNDP Nicaragua/CASAC, 23 June 2008.

<sup>41</sup> See Small Arms Survey 2008.

<sup>42</sup> Interview with Dr. José Mauricio Loucel, Rector, Coordinator of Comisión Nacional para la Seguridad Ciudadana y la Paz Social, Universidad Tecnológica, San Salvador, August 17, 2007.

*UNDP-El Salvador and the National Council for Public Security (CNSP) commissioned research to document the scope, magnitude and cost of armed violence in the El Salvador.*<sup>43</sup>

*The original UNDP-led effort provided the basis for the creation of an inclusive coalition under the title *Sociedad sin Violencia* (Society without Violence). This network linked civil society, the business community, academia, public health and medical practitioners, government representatives and personally-affected civilians in a participatory and comprehensive process aimed at reducing armed violence. Funded by UNDP and BCPR, the coalition aimed to reach its objective of reducing violence by limiting the number of weapons carried by civilians.*

*The coalition advanced a strategy and public awareness campaign comprising research, dialogue, capacity building, and advocacy.*<sup>44</sup> *This campaign generated additional initiatives, including an emphasis on judicial and political reforms, as well as the incorporation of social, medical, and academic perspectives to addressing violence. Although largely inactive today, Society without Violence served as a basic institutional reference point for many proceeding small arms control activities, and is considered a monitoring and advocacy mechanism in El Salvador (UNDP 2005a, p. 27).*

*The Arms-Free Municipalities Project (AFMP), launched in 2005, is aimed at imposing local restrictions on civilians carrying weapons. The initial pilot project, implemented at the municipal level, endeavored to reduce violence through local restriction. UNDP–El Salvador and the National Council on Public Security, in coordination with the National Civilian Police, the Metropolitan Police Corps, and two municipalities near the capital city, namely, San Martín and Ilopango, joined efforts to implement the pilot phase of this project. The pilot phase produced mixed results and provided a model for other municipalities to follow.*

*According to UNDP (2006b, 12), the AFMP interventions aimed to achieve six goals. These goals included: (i) municipal-level laws restricting the carrying of arms in all public places; (ii) an increase in policing capacity to enforce this prohibition; (iii) a mass publicity campaign on the dangers of firearms and the new regulations on carrying weapons; (iv) the voluntary surrender and collection of firearms; (v) evaluative research on the impact of the project components; and (vi) an analysis of the overall experience in order to inform legislative debate and serve as a model for other municipalities.*

*Despite various difficulties, the project reported a number of successes in reducing armed violence in the municipalities from 2005 to early 2006 (Jiménez et al. 2006: 87): In total, 64 arms-free spaces were identified and created in the two municipalities, sustained by local police vigilance. In San Martín, firearms crimes were reduced by 29 percent and the homicide rate declined by 47 percent. Moreover, in spite of an early delay in initiating the program in Ilopango, the municipality experienced a 24 percent reduction in crime and a 47 percent reduction in homicides by the time the project ended.*

*These early positive outcomes required more sustained investment in order to be durable. For example, by April 2006, when UNDP considered the program to be in full effect, evidence suggested that the rate of homicide had begun to stabilize or even increase in certain municipalities (UNDP 2006b, p. 41). By the end of 2006, Ilopango witnessed an increase in municipal homicide (UNDP 2006b, p. 41).*

Other regional and national initiatives have emerged from amongst NGOs to address the issues of increasing crime, uncontrolled violence and the proliferation of weapons. For example, *the Coalición*

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<sup>43</sup>This study provided information on the causes of violence, key actors, important risk factors, the health and social costs of violence, and a map of related existing legislation. It also provided a baseline for understanding the problem and developing programs to reduce armed violence.

<sup>44</sup>Interview with Marcela Smutt, UNDP offices, San Salvador, August 17, 2007.

*Latinoamericana para la Prevención de la Violencia Armada*/Latin American Coalition for the Prevention of Armed Violence (CLAVE), a sub-network of IANSA members in Latin America, was created in 2005, and includes members from Latin American NGOs working in the fields of armed violence, security, arms controls, and related research and provides a mechanism to collaborate in their work.<sup>45</sup> Similarly, the *Red Centroamericana para la Construcción de la Paz y la Seguridad Humana* (REDCEPAZ) is a network of partner NGOs throughout Central America working and collaborating on themes related to weapons, security, armed violence<sup>46</sup>, and national and sub-regional policy.<sup>47</sup> These entities, among others, work nationally, regionally, and often with international networks. In spite of limited data, they have managed to enhance awareness and understanding of armed violence.

## 5.5 CONCLUSION

While the effects of firearm legislation have been mixed, combining laws with supply-side tactics appear to be very promising, particularly as part of ‘second generation’ wider public safety initiatives. A critical starting point for any firearm strategy is the establishing of a coordinated national, state, and local data collection system for tracking firearms-related injuries and deaths, for monitoring the impact of firearms legislation and supply-side interventions, as well as to make any necessary policy changes. To be successful, restrictive firearms legislation must also include awareness campaigns to explain, promote, and garner public support for the legislation. Another key element is to provide training for the police and other justice sector institutions in implementing the new procedures. Supply-side and legislative firearm interventions are only as strong as the ability of the police to enforce them and success will greatly depend on the ability of the police to develop close partnerships with community members as well as solid intelligence-based policing and pro-active crime prevention. Effective firearm regulation requires cooperation among all levels of government, law enforcement agencies, business, the media, and citizens. It also requires regional information and intelligence cooperation. Overall, the recent experiences with combined and second generation approaches such as the introduction of gun amnesties, community-driven weapons controls, awareness-raising and sensitization, and advocacy suggest that the availability of firearms can be reduced in Central America. Lastly though, gun ownership is closely linked to the drug trade. Within this environment which promotes the demand for weapons, reducing gun ownership is a difficult undertaking. Long run and sustained reduction in the demand for guns, will also hinge on progress in combating drug trafficking, reducing the flow of illegal guns from the US, and on changing the cultural factors which increase the demand of young men for weapons.

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<sup>45</sup> The project includes an analysis of regional efforts to implement the UN *Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA) between 2001 and 2008.

<sup>46</sup> For example, REDCEPAZ united to distribute and promote the 2005 campaign entitled ‘La Cara de la Violencia Armada en América Central’ (the Face of Violence in Central America). Led by the Arias Foundation for Peace and Human Progress, and funded by Belgium, the campaign was modelled originally in Costa Rica. It featured a video containing interviews, statistics and further data from victims of violence, doctors, and partner NGO representatives from six Central American countries (excluding Belize), and was accompanied with a publication for press conferences throughout the region. Short video spots for prime-time television were shown throughout Central America, and campaign bracelets circulated to partner NGOs, and community, media and government representatives. The first phase of this project ended a year later in 2006, although the momentum continues in various Central American countries to date. The follow-on ‘Armas No Gracias’ (Arms No Thanks) campaign, featuring a short thirty minute video entitled ‘Epidemia’ (Epidemic), has been proposed by the Arias Foundation for use to further circulate the message and accompanying materials to schools, vulnerable neighborhoods, at-risk youth, and more communities in Central America.

<sup>47</sup> Key members of this network include the Arias Foundation (Costa Rica), FESPAD (El Salvador), CIPRODEH (Honduras), IEEPP and CEI (Nicaragua), IEPADES (Guatemala), and SERPAJ (Panama). A very tight-knit group of organizations, tasks, funding, and priorities are often shared amongst the members and national and technical expertise in their pertinent countries is derived. Publication, information-exchange, meetings, and other forms of collaboration are central to REDCEPAZ.

## CHAPTER 6 CRIMINAL JUSTICE INSTITUTIONS<sup>48</sup>

*The justice sectors<sup>49</sup> of Central America have made some critical advances since the end of the civil conflicts of the 1980s. The passing of criminal procedural codes (which provide increased role for prosecutors, alternative sentencing mechanisms and increased transparency), constitutional minimums for the judiciary's budget (intended to ensure judicial independence), and the creation of judicial councils (for the selection, promotion and discipline of judges) have all been major achievements. If effectively implemented and funded these reforms could result in significant positive impacts for the rule of law. However, delays in implementation have added to the already significant challenges of reforming justice sector institutions following years of civil conflict. Moreover, the recent increases in crime and violence in the region exploit existing institutional weaknesses (from corruption and lack of inter-institutional coordination, to overlapping functions). Thus, the policy recommendations in this chapter focus on improving criminal justice institutions performance based on best practices in other Latin American countries and the world, focusing on inter-institutional coordination and a taking a sector-wide approach.*

During the last half of the 20<sup>th</sup> Century, Central America's military and police forces were associated with repression and brutality during the region's civil conflicts. Accordingly, the professionalization of public security became central to the political negotiations that concluded the region's national internal conflicts-Nicaragua in 1990, El Salvador in 1992, Guatemala in 1996 and the Noriega crisis period in Panama. Democratization in the 1990s was accompanied by attempts to professionalize the police forces as the new democratic governments sought to strengthen the civilian nature of the police forces and instill principles to govern the police with autonomy from the Armed Forces. All Central American countries passed laws restructuring police forces that affirm these principles. Budgetary reductions further reflected the diminishing role of Central American armed forces' in internal security. Between 1989 and 1996, military expenditures as a percentage of GDP declined in El Salvador from 3.5 percent to 1.5 percent, in Guatemala from 2.6 percent to 1.4 percent, in Honduras from 8.4 percent to 1.3 percent, and in Nicaragua from 28.3 percent to 1.5 percent (UNDP, 1992 and 1998).

New forms of violence are now challenging democratic institutions and the criminal justice system. As discussed in chapter one, the end of the civil conflicts and the era of democratization in Central America have not led to the expected peace-dividend of a reduction in violence. Meanwhile, the growth in drug trafficking, gangs, and arms trafficking have not been matched by an increase in institutional capacity in the justice sector. Citizen security is an urgent issue that threatens the legitimacy of governments and the

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<sup>48</sup> This chapter is based on research and a background paper undertaken for this study by Tirza Rivera-Cira, Milena Sanchez de Boado and David Varela. Readers are encouraged to refer to the background paper for much more detail.

<sup>49</sup> The "justice sector" incorporates a wide range of institutions involved in rule-based conflict resolution and enforcement. Courts are the core institution, but the sector includes other public institutions such as ministries of justice, the police, prosecutors, public defenders, ombudsmen, as well as non-public institutions such as bar associations, traditional and other non-state dispute resolution mechanisms. More specifically, the "criminal justice system" is a term that describes collectively several institutions dealing with criminal cases: the judge, the prosecutor, the police and the counsel for the defendant. For the purposes of this paper, this broader view encompassed under "criminal justice reforms" contrasts with the more narrow "legal reforms" (change of laws), or "judicial reform" (reform of the courts). To properly address crime and violence, criminal justice reforms should focus on: (i) a more comprehensive understanding of crime and violence (e.g. the links between development and governance, etc), including the reforms needed to strengthen them; (ii) the need for inter-institutional coordination, and the different roles played by autonomous stakeholders (police, judges, public defenders etc); and (iii) recognizes the importance of cross-disciplinary approaches, from the use of performance based measures used in new public management, to the sociological aspects of dealing with at-risk youth.

progress of democratic institutions. The elevated levels of violence have created environments that accept extra-legal solutions and vigilante justice. Not surprisingly, the high perceptions of insecurity have also diminished trust in criminal justice systems' capacities to protect citizen rights and safety.

As discussed in Chapter 1, organized crime is behind the most serious crimes and is overwhelming the capacity of criminal justice institutions. The geographic location between the world's cocaine suppliers and its main consumers has exposed the small countries of Central America to exogenous organized crime pressures that would challenge countries many times as large. Unfortunately, the region is particularly vulnerable to organized crime incursion due to a range of domestic factors, including social and economic pressures, lack of law enforcement capacity, corruption, and weak justice sector institutions (World Bank 1998, 2002, 2005).

#### **Box 6.1 Weak Justice Institutions: A Driver of Crime or Aggravating Factor?**

For the purposes of this study, weak criminal justice institutions are considered an "aggravating" or "contributing" factor to the high levels of crime in the region but not as "drivers." This definition raises a critical distinction between the real "drivers" of crime (drug trafficking, the widespread availability of guns), and weak criminal justice institutions. The former groups include cases of active engagement in criminal activity that facilitate or promote other criminal activities. While there are instances, namely corruption, where individual police, prosecutors and judges can be engaged in criminal acts, weak criminal justice institutions are more accurately described as contributing to high levels of crime and violence in that they are not able to effectively play their role in deterring, controlling or punishing crime and violence. This chapter focuses on institutional reforms which can strengthen criminal justice institutions and enable them to effectively play this role.

Country-based reform processes have been accompanied by region-wide efforts to improve cross-national law enforcement coordination in combating organized crime. However, despite the significant investment of time and funds, the reforms have not generated the anticipated positive results, but rather have resulted in a trend toward the return of repressive reactions that weaken the region's democratic processes. The inability of new civilian police forces to control the crime wave has raised doubts over choices made during peace negotiations, have gone so far as to prompt calls to remilitarize public security, and raised concerns about a trade-off between civilian police forces and police effectiveness. While this study is not suggesting that public security is remilitarized, it does point out several key institutional reforms which may strengthen the efficiency and effectiveness of the justice sector.

### **6.1 RECENT TRENDS IN CRIMINAL JUSTICE REFORMS**

Central America continues in a transition between the traditional civil law system and an adversarial or mixed model. Over the last twenty years, the region has experienced many changes at both the normative and institutional levels, particularly in the area of criminal justice. Along with much of the rest of Latin America, Central American countries continue in a transition from the traditional, non-transparent "inquisitorial" model of criminal procedure where the investigative and trial functions were concentrated in the same institutions, to a more transparent adversarial or mixed model where those functions are separated. The basic characteristics of the new model are: (a) a more substantial role for prosecutors during the investigative phase and the trial itself; (b) greater respect for and protection of procedural due process guarantees; (c) shorter trials; (d) reduced use of pre-trial preventive detention; (e) expanded availability of alternatives to criminal prosecution; (f) more active participation by the victim during the trial; and (g) the requirement that all stages in the post-investigative and trial processes be of an oral and public nature (Rico, José María 1997 and Langer, Máximo 2008). While many of the new criminal codes and criminal procedure codes were passed nearly a decade ago, the implementation of such far-reaching reforms has, understandably, yet to be fully completed. In part, this is due to the staged approach being undertaken by many countries (e.g. including in Chile which is widely attributed to playing a leading role in the new framework's implementation) as well as the institutional challenges outlined in this chapter which make such reforms difficult to fully implement, let alone measure. Central American countries should continue the implementation process, while focusing on monitoring and evaluation and adjusting

accordingly. They should also take into consideration the lessons learned by donors who have focused in this area in the past, such as USAID and the IADB.

**Table 6.1: Criminal Justice and Police Legislation in Central America**

Legislation	Panama	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua
<b>Criminal Procedure Code</b>	Commission created in 1995 to prepare Bill (Anteproyecto)	1996 (previous code enacted in 1973)	1997 (amended 2007)	1992	1999	2001
<b>Juvenile Criminal Legislation</b>		1996	1995	1996	1996	1998
<b>Organic Law of Police</b>		1994	1992	1997	1998 updated 2008	1996
<b>Penitentiary Law</b>					2006 (entered into effect April 6 2007)	

Source: Based on Chinchilla, [pdba.georgetown.edu/Pubsecurity/ch2.pdf](http://pdba.georgetown.edu/Pubsecurity/ch2.pdf), & Langer Maximo

In recent years “*mano dura*” approaches became popular among political leaders but raised human rights and due process issues. In Central America, the institutional responses to increasing violence and crime have varied greatly from country to country. Governments trying to promote greater citizen security have introduced “*mano dura*” (iron fist) policies including proposals for reforms to the criminal codes which introduce new offenses, increase prison terms, or encourage judges to apply maximum penalties. This *mano dura* legislation often contradicts principles of international human rights treaties that the countries have ratified, imply police reforms that would reverse the progress made during the democratization process, and raise concern over the potential revival of the authoritarian elements of the old military rule. Thus, many observers are concerned about the serious implications such policies may have on the rule of law and, democracy, more broadly (Casas-Zamora, 2008).

Effectiveness of *mano dura* in terms of reduced crime and violence seems to be rather limited. The achievements vary from country to country, but from a regional point of view, there is no evidence that these reforms have reduced crime rates, increased the efficiency of sector institutions or improved the public perception of the criminal justice system. Despite the significant political and financial investments of the *mano dura* policies, empirical evidence indicates that they have not proven effective at reducing crime. While the long-term success or failure of legal reforms is notoriously difficult to measure, one could argue that a decrease in crime and violence during the implementation of *mano dura* policies would be an effective measure of their success, however, this has not been the case.

Guatemala, El Salvador and Honduras have tried a series of *mano dura* crackdowns with little impact. In Guatemala, in 2003, the “Broom Plan” (*Plan Escoba*) was enacted to address the *maras* problem. This plan launched massive police and military captures of young people suspected of belonging to a *mara*. In 2005, a similar plan was carried out (“Secure Guatemala”- *Guatemala Segura*) with the participation of police and 1,900 military forces. Neither plan had a major impact on crime or perceptions of citizen security. In 2000, special courts were created for organized crime, and in February 2008-- with the support of almost all its members-- Congress reinstated the death penalty, which had been suspended since 2002. In 2001 and 2006, the Executive Branch issued emergency decrees declaring the suspension of constitutional rights in certain areas of the country (UNDP 2008).

In El Salvador the primary responses to the high levels of crime and violence have also been “*mano dura*” measures. In 2003 the *Plan Mano Dura* was enacted. Its main targets were the *maras* in marginal neighborhoods. In November 2003, Congress also passed the temporary 180-day Anti-*Maras* Law that created special courts to judge *maras*, hardened punishments and gave new powers to police to detain suspects. Some judges refused to apply this law due to constitutionality concerns until the Supreme Court declared it unconstitutional in April 2004. The same year, the Executive Branch launched the *Super Mano Dura* Plan that, despite the name, was less rigorous than its predecessor. Along the same lines, in 2006, a Law against Terrorism was enacted and was used to detain *maras* members. At the end of the same year, special courts were established by the Organized Crime and Complex Crimes Law (UNDP 2008).

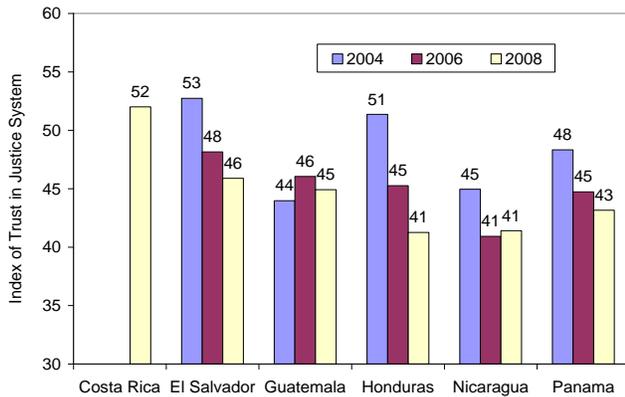
Honduras is the country that has made most intensive use *mano dura* measures to curtail crime and violence. A 2004 law established that pretrial detention does not apply to “honest citizens” who kill criminals in self defense. A year later another law eliminated bail for accused members of organized crime and gangs. The criminal code has been modified ten times between 2003 and 2006 to define new crimes and harden penalties. Among the most notable was a reform to the ‘anti-*maras* law’ that made it a crime to belong to *maras*. In addition, in 2005 the Juvenile Justice Code was changed to allow the incarceration of criminal minors. The *mano dura* trend of institutional response started in 2001 during the political campaign where the slogan “Zero Tolerance” branded the strategy to deal with crime and *maras*. Under the “Zero Tolerance” policy, the systematic participation of the army in police tasks began, including home searches without judicial authorization. (UNDP 2008).

Costa Rica, Nicaragua and Panama have generally rejected *mano dura* policies. Costa Rica and Nicaragua have been the only Central American countries to systematically reject all *mano dura* policies. Panama has also resisted the wholesale adoption of *mano dura* policies to combat crime and violence with only two exceptions: the Anti-Gangs Law of 2004 and the reduction of the age for full criminal responsibility, allowing minors between 14 and 18 years old to be considered adults for this purpose. (UNDP 2008).

## **6.2 CITIZEN PERCEPTIONS OF CRIMINAL JUSTICE INSTITUTIONS**

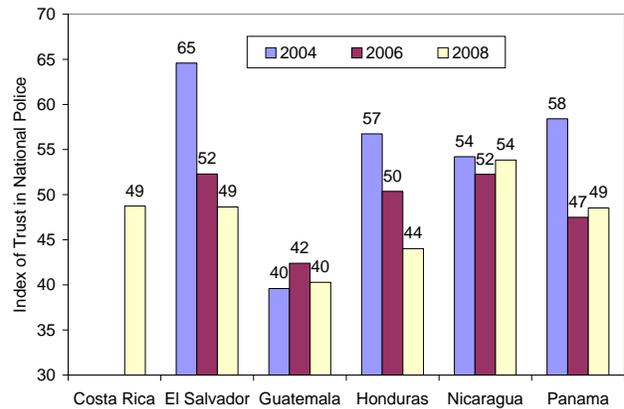
Overall trust in criminal justice institutions is in decline in Central America. Figure 6.1 shows the trust index in the justice system for the six nations of the region. Levels of trust dropped precipitously in El Salvador, Honduras, Nicaragua, and Panama between 2004 and 2008, while in Guatemala trust in the justice system stayed roughly at its initial, low level. It is likely that the fall in trust reflects popular frustration with the rising levels of crime.

**Figure 6.1: Trust in the Justice System Overall**



Source: Bank staff analysis of LAPOP data.  
 Note: Data for Costa Rica is only available for 2008. The index is the country-average of responses to the question “To what extent do you trust the justice system?” with numerical answers rescaled to a 0-100 scale.

**Figure 6.2: Trust in the Police**

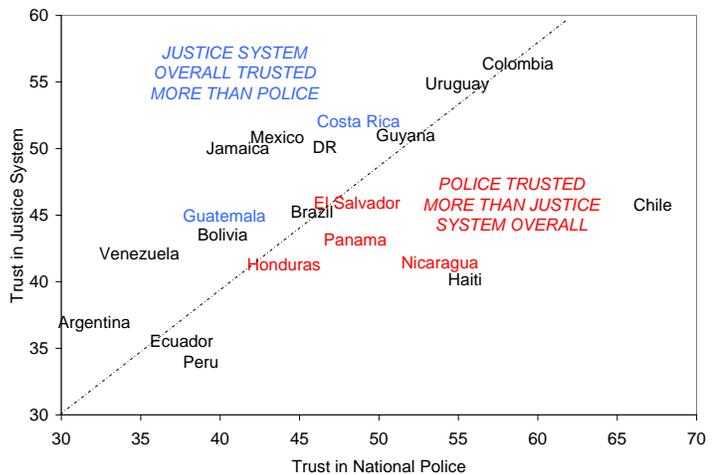


Source: Bank staff analysis of LAPOP data.  
 Note: Data for Costa Rica is only available for 2008. The index is the country-average of responses to the question “To what extent do you trust the national police?” with numerical answers rescaled to a 0-100 scale.

In a similar vein, trust in the police (shown in Figure 6.2) also dropped in El Salvador, Honduras, and Panama during the period 2004 to 2008, with no change in Guatemala or Nicaragua. Interestingly, trust in the police shows both greater variation across countries and greater changes over time than trust in other criminal justice institutions.

Across all of Latin America and the Caribbean, at the country level there is a high degree of correlation between attitudes towards the police and the criminal justice system as a whole ( $r=0.6$ ). However, among Central American countries, the correlation is zero, and the two types of trust differ in important ways. Figure 6.3 shows a scatter plot of the two variables at the country level. Countries below the slanted line are those where the police are trusted more highly than the justice system overall, while the opposite relationship holds for countries above the line. The graph illustrates several points. First, the countries of Central America have levels of trust of both types that are neither particularly high nor particularly low for LAC as a whole.

**Figure 6.3: Trust in the Police vs. Trust in the Justice System, 2008**



Source: Bank staff analysis of LAPOP data.  
 Note: See footnotes to Figures 6.1 and 6.2 for the definitions of the indices.

Second, Nicaragua stands out in Central America as a country where the people have a fairly positive view of the national police—the best in the region—even though their trust in the justice system as a whole is quite low (tied for Honduras for worst in Central America). Second, Costa Ricans have a level of trust in the justice system which substantially exceeds their trust in the national police. Finally, in Guatemala, trust in the police is both low in absolute terms and lower than trust in the justice system as a whole. As discussed in Chapter 1, perception surveys do have significant limitations and cannot take the place of evidence-based data (e.g. caseload data), nevertheless they provide useful information to policy

makers. This is particularly true in the case of citizen's perceptions of the police, because the police are the most frequent first contact citizens have with the justice sector (both criminal and civil) and thus a key point in influencing citizen's perceptions of that sector.

### **6.3 PERFORMANCE OF CRIMINAL JUSTICE INSTITUTIONS OTHER THAN POLICE FORCES**

Central American criminal justice systems have made progress in certain areas but there is ample room for further improvement. The objective of a modern criminal justice system is not only punishing perpetrators for breaking the law, protecting human rights and acting as a cornerstone for the rule of law, but also to deter the occurrence of crime and generate a favorable environment for economic activity (World Bank Governance and Anti-Corruption Strategy<sup>50</sup>). From that perspective this section examines the key institutional challenges of Central American criminal justice systems and explores the areas where some progress has been made in recent years but still need further reform to improve effectiveness and efficiency in addressing crime and violence, while protecting citizen's rights and promoting the rule of law.

#### **Functional Independence of Individual Officials**

Judicial independence is a critical element for both the rule of law, and economic development. This is reflected in two of the primary reasons for reforms to judiciaries throughout the world, namely: (a) independent courts were needed to deal with human rights violations and reinstate the rule of law after periods of war and authoritarianism; and (b) governments undertaking economic liberalization needed independent and trustworthy courts to secure property rights and encourage foreign investment.

A number of reforms to strengthen judicial independence have had limited results. Since 1982, all the Central American countries carried out reforms to strengthen judicial independence. The reforms included: (a) changes in the selection of Supreme Court members to depoliticize appointments; (b) passage of a judicial career law to regulate naming, promotion and removal of judges; (c) the setting of a legally fixed percentage of annual national budgets to finance the judiciary; (d) creation of internal affairs control offices to deal objectively with judicial disciplinary processes; and (e) significant judicial salary increases. These reforms have been key steps in improving the performance and accountability of Central American judiciaries, but have still not produced the broader performance results expected. Laws related to judicial independence may have improved, but major weaknesses remain in their implementation, particularly in trying to assure judicial tenure. For example, several reforms have been enacted to establish judicial career laws and other critical reforms related to selection, promoting and sanctioning of judges, but political forces and judicial elites have delayed implementation or limited their effectiveness. (Due Process of Law Foundation 2007)

In spite of all the efforts, internal and external perceptions of judicial independence have not improved. The general perception remains that judiciaries continue to be exposed to external pressures. Analyses carried out by Freedom House did not reflect a notable impact on judicial independence. The last four of these reports described Central American judiciaries, with the exception of Costa Rica, as unable to fight excesses committed by public officials or punish human rights violations. A recent survey of judges in the region by the Spanish Agency for International Cooperation showed that the Armed Forces are no longer seen as a threat to judicial independence, except for Guatemalan judges, where 28.5 percent of the sample considered that the country's military remains a limiting factor. Although answers varied by country, judges considered job instability as the main obstacle to judicial independence followed by political and media pressures. (Spanish Agency for International Cooperation 2004)

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<sup>50</sup> World Bank. World Bank Governance and Anti-Corruption Strategy. 2007.

**Table 6.2. Main Obstacles to Independence According to the Judges**

Country	First obstacle	Percent	Second obstacle	Percent
<b>Costa Rica</b>	Job instability	<b>17.6</b>	Judges dependency on the Supreme Court decisions	<b>16.2</b>
<b>El Salvador</b>	Pressure from media and other pressure groups	<b>29.5</b>	Judges lack of training	<b>14.8</b>
<b>Guatemala</b>	Job instability	<b>30.2</b>	Threats against judges and their families	<b>14.8</b>
<b>Honduras</b>	Job instability	<b>31.4</b>	Judicial appointment mechanisms	<b>17.6</b>
			Influence of political parties	<b>17.6</b>
<b>Nicaragua</b>	Job instability	<b>34.5</b>	Judicial appointment mechanisms	<b>20</b>
			Influence of political parties	<b>18.2</b>

Source: Diaz Rivillas, Borja and Linares Lejarraga, Sebastián (2005).

### Financial Independence of the Institutions

Implementation gaps have limited the impact of constitutional provisions aiming at financial independence. The judicial budget can be an important factor in assuring judicial independence as well as the efficient and effective functioning of the judiciary. To mitigate the executive and legislative branches' ability to influence decisions, the judiciaries of several countries have achieved a constitutionally mandated minimum percentage allocation which is *de jure* guaranteed (See Table 3). Nevertheless, this constitutional budget level guarantee has not always been enforced and many judiciaries argue that, in any case, it is insufficient to deliver the services they are responsible for.

In per capita terms, the judicial budget in most Central American countries is low for regional standards but high compared to the rest of the world. The relatively low tax base of Latin America may explain, at least in part, the large discrepancies with the rest of the world. With the exception of Costa Rica, Guatemala has the lowest investment per capita in the region, closely followed by Honduras and Nicaragua. However, between 2002 and 2006 all the countries increased their judicial budget with Guatemala, Honduras and Nicaragua by the most significant margin (see Table 6.3).

**Table 6.3. Budget of the Judiciary in Central America (2006)**

Country	Amount in US\$ Million	Changes between 2002-2006	Mandated Minimum percent of National Budget
Guatemala	<b>\$89.76</b>	38.25% increase	2%
El Salvador	<b>\$160.97</b>	58% increase	6%
Honduras	<b>\$56.19</b>	79% increase	3%
Nicaragua	<b>\$9.2</b>	75% increase <sup>51</sup>	4%
Costa Rica	<b>\$202.07</b>	65% increase	6%
Panama	<b>\$12.7</b>	13% increase <sup>52</sup>	2%

Source: Source CEJA Country Reports and Chincilla, Laura.

Another way to compare the budget allocated with the needs is by looking at judicial workload. Central American judiciaries have some of the lowest caseloads per 100,000 inhabitants of any of those measured in Table 6.4 below. For example Honduras has 10.1 judges per inhabitant but only 1,089 cases a year, while El Salvadorian judges have an average of 2,375 cases per year, over double that of their Honduran counterparts. Again, the data does not allow for a strict comparison as many factors must be considered (perhaps more cases are being brought in El Salvador because more perpetrators are arrested). What this

<sup>51</sup> Increase in 2007

<sup>52</sup> Compared to 2005

information does underscore, however, is the need for evidence-based policy decisions and the use of effective monitoring and evaluation tools for justice sector reforms.

**Table 6.4**  
**Judicial Workload, Selected Countries**

Country	Incoming cases per 100,000 Inhabitants	Judges per 100,000 inhabitants	Incoming cases per judge
Honduras (2006)	1,089	10.1	108
Ecuador (2006)	1,802	6.7	269
El Salvador (2006)	2,375	9.2	258
Colombia (2006)	2,893	10.2	283
Peru (2006)	3,919	7.7	509
Argentina (2004)	10,225	11	930
Brazil (2004, federal, labor and state courts – does not include military or electoral jurisdictions or small claims courts)	8,568	5.7	1503
Chile (2004)	12,305	5.0	2461
Costa Rica <sup>53</sup> (2004)	22,911	17.4	1316
Netherlands (2004)	7,224	12.3	587
France (2004)	4,411	10.1	436
Italy (2004)	8,611	10.4	828
Germany (2004)	7,151	24.7	289
Spain (2004)	14,000	9.8	1428
USA (2004)	33,848	10.2	3351

Sources: *Unidos por la Justicia, 2006 (Latin America and USA)*, *CEPEJ, 2006 (Europe)* and official country data (Colombia, Ecuador, El Salvador, Honduras, and Peru); taken from the World Bank. *Honduras Institutional and Governance Review: Justice and Citizen Security in Honduras*.

To ensure the most efficient and effective use of the resources received by judiciaries, clear links between institutional (and user) needs, performance and budget allocations need to be made. Accountability mechanisms and performance indicators are basic tools for establishing these links. Indeed, if implemented well, accountability mechanisms, and particularly performance-based budgeting, can address both: (i) the executive branch's broader objectives of financial management, accountability and transparency in ways that strengthen and support judicial reform efforts; and (ii) the judiciary's objectives for increased judicial effectiveness and independence.

<sup>53</sup> After 2004, the litigation rate and number of cases per judge decreased by half as transit cases were transferred to administrative forums.

Human resources are also an important factor in institutional performance, both in terms of quality and quantity. The public ministry services may be hampered by a low ratio of prosecutors to population, particularly given that public prosecutors (Ministerio Público- Public Ministry or Attorney General's Office) play an enhanced and fundamental role under the new criminal procedures. They are responsible for deciding which alleged criminals are charged and tried in a court of law as well as increased responsibilities under the new criminal procedures like plea bargain. Despite this pivotal role, these institutions have even more limited resources than the Judiciary. In the region, Costa Rica (7.7) and El Salvador (9.4) have the highest number of prosecutors per 100,000, comparable to Colombia (8.44) and Puerto Rico (8.9). Guatemala (6.8), Honduras (6.9) and Nicaragua (4.7) remain in an intermediate range, while in Panama (2.3) the number of prosecutors per population is quite low. (JSCA Reporte sobre el estado de la Justicia en las Américas 2006 & 2007 and UNDP (2003), Segundo Informe sobre Desarrollo Humano en Centroamérica y Panamá, Chapter 7, "El desafío de la democratización de la justicia y del fortalecimiento de la rendición de cuentas", pp.283-329).

### **Box 6.2: Judicial Corruption in Central America**

Independent judiciaries are a cornerstone of the rule of law, yet they cannot effectively fulfill their role if they themselves are not subject (and are seen by citizens as subject) to the very laws and ideals they are meant to enforce. Independence refers both to their impartiality when administering justice but also to transparency and accountability in their day-to-day operations.

All of the Central American countries have signed and ratified key international conventions against corruption (re)affirming these principles, including the Inter-American Convention against Corruption. Yet despite this, corruption in Central American judiciaries, actual and perceived, remain a fundamental problem. A recent evaluation on judicial corruption by the Due Process of Law Foundation (2007) found that an “alarming number of judges, including Supreme Court justices, acknowledge having been subject to bribery attempts.”<sup>54</sup> In 2006, an astounding 54.5 percent of Nicaraguan judges reported being the victims of attempted bribes, while no less than 22.9 percent of Nicaraguan court users had also been victims of bribery requests. Costa Rica figures on the low end of these percentages-- with 19.2 percent of judges reporting being the victim of attempted bribes, and 3 percent of court users as victims of bribery requests. These and other high-level corruption scandals as well as impunity of high-level officials have had a major influence on the citizenry’s perception of the judiciary and other justice sector institutions. This lack of trust is demonstrated in citizen perception surveys, where respondents consistently rate their trust in the justice sector as low (from 52 percent in Costa Rica to 41 percent in Nicaragua and Honduras, 2008 World Bank).

A number of institutional issues discussed in this chapter can be linked to judicial corruption, including: the process judges are selected and promoted, as well as how they are sanctioned and removed; judicial tenure and job stability; transparency of legal processes under the Criminal Procedure Codes; financial autonomy; and protection of judges and administrative staff in discharging their functions. The evaluation done by the Due Process of Law Foundation found that excessive interference of political elite and constraints on internal judicial independence are the most important contributors to judicial corruption. It suggested expanding the disciplinary powers given to Judicial Councils as a key policy option to address these issues.

The enhancement of disciplinary rules and procedures should be accompanied by an effective complaint mechanism that facilitates communications between court users and independent oversight bodies, and allows tracking the internal processing of the complaint up to a decision on whether or not to pursue disciplinary investigation. Making quality information available to court users and citizens at large is also a promising tool to deter corrupt practices by reducing the chances of petty corruption associated with the inner workings of a courtroom, and regular contact of court officials and third parties. Other than decisions during the confidential phase of criminal investigations, most court decisions must be made publicly available through the webpage of the court in question, while electronic filing of all court documents reduces the chances of misplacing or alteration (a typical source of corrupt practices).

### ***Due Process, Transparency and Efficiency***

Procedural reforms have only been a first step in a long process of justice sector reforms that still require significant management systems, capacity-building and monitoring and evaluation. In most of Central America, the implementation of criminal procedure reforms have been a critical step forward; these reforms have sought greater efficiency as well as improved respect for due process. While initial indications suggest the reforms have been successful they are still in the nascent phase. Even Chile, widely considered the most successful example of these reforms in Latin America, only extended gradually the implementation of its revised Criminal Procedure Code (CPC). Thus, it is necessary to consider the lessons learned by other countries in implementing similar reforms as well as focus on monitoring and evaluation and other performance criteria. The latter is important for implementation of

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<sup>54</sup> Due Process of Law Foundation. “Evaluation of Judicial Corruption in Central America and Panama and the Mechanisms to Combat It.” 2007

the CPC (particularly for judges, prosecutors, and police) as well as to all fundamental institutional reforms of the justice sector, criminal and civil.

Central American countries will have to develop innovative training mechanisms to appropriately prepare the different actors for their new roles and strengthen the responsibility of their respective roles within the new criminal procedure process. Access to information by the public and advocates are also critical for the new procedures to achieve the transparency and integrity objectives of the reform. Finally, further support is needed to monitor and evaluate the reform process, both internal to the participating institutions and by independent external parties, to generate a vigorous public debate that will identify the outstanding issues and propose solutions (Riego, Cristian and Vargas, Juan Enrique, 2003).

Organizational cultures and inter-institutional coordination pose major challenges for the efficacy of the investigative side of the criminal process. The new criminal procedures have faced the challenges of traditional organizational cultures and limited inter-institutional coordination that lead to frequent finger-pointing. While prosecutors complain that poor police investigative work forces them to return cases to the police for further investigation, the police insist that prosecutors still have an inquisitorial mentality and want all the evidence from the beginning, failing to understand that preliminary evidence is enough to bring charges and full evidence is only necessary for trial. Out of due process concerns, it is understandable that prosecutors give preference to cases with detainees but the police also complain that in some instances the prosecutors ask them to investigate impossible cases with no detainee, thus prosecutors get rid of these cases which are then piled on the police with no real chances of success in the investigation phase. A more transparent mechanism to archive cases where not enough evidence is available at a certain point would also help managing the expectations of the victims or engage them in assisting the police in the search of such evidence.

Internal dysfunctions in the criminal justice agencies can compromise both the rights of victims (particularly where the new criminal procedure codes are not fully implemented) and perpetrators. These tensions between police and prosecutors are common in all Central American countries and they raise additional serious questions about the criminal justice system's capacity to provide timely solutions. In the end many cases are trapped in bureaucratic channels and never solved. In Nicaragua, for example in 2005-2006, according to the National Police, 88,519 criminal complaints were received. Of all these complaints, only 37,306 (42 percent) were accepted for processing by the Public Ministry. Also in Nicaragua, a 2003 study found that the Public Ministry directly received 4,470 cases, brought formal charges in 1,875 (41.9 percent) and left pending for the next year 51 percent (2,282) JSCA, (Arduino, Ileana 2007).

The low percentage of public hearings actually taking place is also evidence of the shortcomings of a legal and administrative apparatus to effectively address individual due process guarantees and societal concerns with rapid response criminal systems at the same time. JSCA found low percentages of scheduled hearings effectively occurring in Costa Rica (30 percent), El Salvador (41 percent) and Honduras (49 percent). Only in Guatemala did 76 percent of the scheduled hearings take place.

### **Box 6.3 Technological Innovations Provide Promising Tools for the Operation of Criminal Justice Institutions**

**Electronic notifications and virtual courtrooms in Colombia.** Promising experiences elsewhere in Latin America show that organizational and coordination issues can be addressed in an innovative manner. Cost-effective notification of parties and witnesses about hearings, subpoenas, filings, deadlines, motions or rulings remains a major challenge of any procedural system. Most Central American countries still rely on manual notification whereby process servers (“*notificadores*”) locate the person to be notified and physically hand him/her the notification to attesting in writing that delivery was made. This system is costly, prone to abuse, and difficult to monitor.

The ideal solution would be the establishment of electronic notification system among Judiciaries (already allowed but not fully implemented in some LCR countries), Public Ministry, Public Defense, and the National Police which ensures that some record of receipt is generated. Once a notification enters each agency system, it will be the responsibility of its managers to ensure that the appropriate prosecutor, public defender or police officer is notified. For private parties counsel and state expert witnesses (forensic and others) electronic notification by e-mail should be allowed on the basis of certified electronic signatures. Notification of other parties or witnesses will be more complex due to the digital divide of LCR countries. Although, Costa Rica has made good progress in electronic notifications, the establishment of a common digital file that circulates through the various institutions is still a distant objective, and the potential and timing for its implementation will vary by country.

Also in Colombia<sup>55</sup> when it was determined that construction of physical courtrooms in isolated and difficult to access conflict areas was not appropriate or safe, virtual courtrooms were established, with video conferencing equipment that allows parties in different locations to be together virtually for the adversarial criminal hearing. The virtual courtroom preserves the oral criminal hearing process, reduces costs and risks by eliminating travel to difficult and conflict areas, and permits different actors (judges, prosecutors, defenders, witnesses, etc.) to meet simultaneously in a virtual space with minimal risks.

**ISO 9000 Certification in El Salvador and Mexico.** Another experience to increase case disposition times and court efficiency is the implementation of ISO-9000 in El Salvador and a few Mexican states. ISO is a methodology to standardize and document procedures and to implement quality indicators and performance measures. ISO was developed and permanently updated by the International Organization for Standardization, a non-government organization created in 1947 that coordinates a network of national standardization organizations that currently includes 157 countries. ISO is the best regarded organization of its class around the world and ISO 9000 is a standard specifically developed for services rather than products. An ISO certification means that the services provided by the organization conform to rules and conditions known by the users and ensures an established level of quality. ISO 9000 may not solve all the courts’ problems but it provides a ‘point of no return’ which requires them to keep up high quality service standards to maintain the certification and ensures a continued “minimum” that has led to improved performance.

### ***Timeliness and Quality***

Again, timeliness and quality in justice sector processes need to reflect the rights of both the victim and the perpetrator. Table 6.5 below provides an example of the evolution of criminal cases in Honduras. While in 2006 63,537 criminal complaints were received, only 5,091 cases were resolved. This clearly reflects the need to expedite the decision-making process and remove the bottlenecks identified.

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<sup>55</sup>For more information see, USAID Justice Reform and Modernization Project, Colombia.

**Table 6.5: Honduras Evolution of criminal cases, from filing to resolution, 1999-2006**

<b>Criminal cases</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Complaints received	56,845	64,236	51,700	41,689	52,965	59,561	62,463	63,537
Complaints referred for investigation	31,977	39,785	35,336	23,644	26,104	35,094	48,507	49,198
Complaints investigated DGIC	15,633 (48.89%)	17,514 (44.02%)	12,749 (36.08%)	4,987 (21.09%)	8,005 (30.67%)	8,697 (25.55%)	7,825 (16.13%)	9,213 (18.73%)
Prosecutor appearances (during summary stage) 1984 Code	9,931	11,135	10,525	8,056	9,407	4,392	5,157	3,367
Formal accusations filed (2002 Code)	---	---	---	4,537	6,390	6,696	6,732	7,181
Formal order of Commitment	3,306	4,151	4,634	2,442	3,700	4,451	4,745	4,621
Preventive detention	---	---	---	1,470	2,463	2,710	2,678	2,643
Sentences	4,582	4,123	4,969	3,490	982	1,349	1,317	1,347
Convictions	1,844 (40.25%)	1,897 (46.01%)	2,208 (44.44%)	2,523 (72.64%)	759 (77.29%)	1,033 (76.57%)	996 (75.63%)	1,015 (75.35%)
Alternative measures	---	---	---	4,400	4,870	4,011	3,431	3,744
Opportunity Principle (Plea Bargains)	---	---	---	3,542	3,231	1,943	1,356	1,194
Summary proceedings	---	---	---	399	808	991	915	906
Conciliations	---	---	---	156	274	404	479	648
Suspension of criminal prosecution	---	---	---	294	549	643	640	919
Strict Accordance	---	---	---	9	8	30	41	77
Total formal and alternative resolutions	4,582	4,123	4,969	7,042	5,952	5,360	4,748	5,091
Compensation amounts (in millions of lempiras)	---	---	---	13,377	11,181	16,693	17,740	21,428

Source: M. Cálix (2008) based on data from the Public Ministry (Anuarios Estadísticos).

Preliminary evidence suggests that times to disposition (e.g. verdicts or decisions) in criminal cases have improved under the new criminal procedures but remain unacceptably long. For example in Costa Rica, where some of the best statistics of this kind are available, the new criminal procedures may have reduced time to disposition; however they are still very long. In 2006, in Costa Rica, the average for a criminal procedure with a trial was 23 months, with the preparatory phase lasting 16 months and 2 weeks and 7 months for the trial. This average has improved by 21 percent since 2002, when the average was 29 months and 3 weeks.<sup>56</sup> When a simplified procedure is used, the time falls to 8 months and 3 weeks.<sup>57</sup> Long case disposition times create a sense of impunity among the population that leads to frequent complaints. From 2002 to 2006, total complaints to the Service Control Office went from 1,393 to 4,874, most for justice delays.<sup>58</sup>

#### **Box 6.4 Case Study: Guatemala's Pilot 24-Hour Court**

Some Central American countries have developed innovative mechanisms to expedite criminal cases that may be replicated elsewhere. In 2005, the Supreme Court of Guatemala established a pilot 24-Hour Court (*Juzgado de Turno* in Spanish) in Guatemala City. This pilot was an inter-institutional effort, with not only the judiciary, but the also the Public Ministry, the Ministry of Government, the National Civil Police, and Public Defense Institute. By March 2006, the first 24-Hour Court opened. A 24-Hour Court is an arraignment court which hears complaints and reviews fresh evidence. If the judge rules the case has merit it moves to the First Instance Court for a preliminary hearing.

Apart from operating 24-hours-a-day, 365-days-a-year, the 24-Hour Court availability has facilitated compliance by the police with the due process requirement of presenting detainees to a court within six-hour limit. Results during more than three years the courts have been operating have been promising: (a) the number of cases dismissed declined from 77 percent to under 15 percent; (b) nearly 50 percent of all arraignments ended in alternatives to detention, such as bail, house arrest, weekly presentations at the local court, or restrictions on travel and in only 35 percent of the cases, the judge ruled for preventive detention; (c) drug consumption cases fell from over 30 percent to about 7 percent;<sup>59</sup> and (d) the Courts made greater use of alternatives to trial. (USAID Guatemala Factsheet, June 2008)

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<sup>56</sup>.Costa Rica, Compendio de Indicadores Judiciales 2002-2006, San José, Costa Rica, p.29 <http://www.poder-judicial.go.cr/planificacion/>

<sup>57</sup>.Costa Rica, Poder Judicial, Anuario de Estadísticas Judiciales 2006, San José, Costa Rica <http://www.poder-judicial.go.cr/planificacion/estadistica/judiciales/2006>. Tablas 175 and 178

Duración promedio de los juicios fallados con sentencia por los tribunales penales según etapa del proceso durante el 2006.

<sup>58</sup>.Costa Rica, Compendio de Indicadores Judiciales 2002-2006, San Jose, Costa Rica, p.33 <http://www.poder-judicial.go.cr/planificacion/>

<sup>59</sup> This drop seemed to confirm the impact of the perverse incentive of arrest quotas that led some police officers to plant evidence on suspects.

**Box 6.5 Case Study: Costa Rica’s “*In Flagrante Delicto*” Courts**

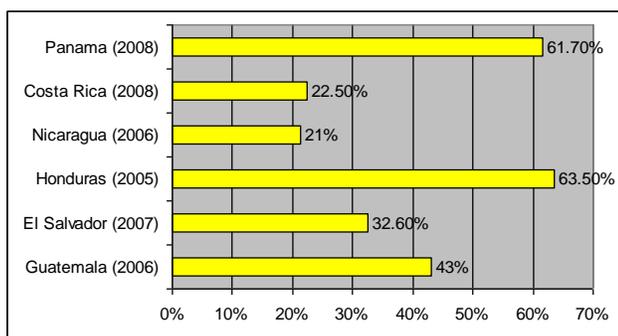
The “*in flagrante delicto*” courts were established by Costa Rica in September 2008 as a pilot project in San Jose to reduce criminal case disposition times. These courts were established within the existing legal framework, with no need for further legal reforms and ensuring respect of due process guarantees in simplified procedures to handle cases where the defendant is caught in the act of committing of a crime (known as “*in flagrante delicto*”). These courts remain open 24-hours-a-day, 365-days-a-year and operate with several shifts of judges, prosecutors and public defenders. The “*in flagrante*” cases are turned over immediately to the prosecutors, who may request an immediate hearing with the judge to analyze alternative mechanisms, such as summary judgment or preventive detention.

When the defendant and the public defender choose an expedited trial, it may take place immediately or can be set in a few days. During its first months in operation, the pilot court heard 63 cases, 43 of which were sent for trial. 4 decisions were made during trial (9 percent), 13 by expedited procedures (30 percent) and 7 by alternative mechanisms (16 percent). The shortest judicial resolution was produced in only 4 hours and the longest in 18 days (with oral and public debate). If these disposition times continue the improvements over existing average disposition times would justify streamlining this pilot in other courts.

**Prison Population**

The large number of pre-trial detainees (along with the average length of pre-trial detention) is among the most worrisome evidence of the internal dysfunctions of criminal justice systems. A good measure of criminal justice efficiency is the percentage of prisoners awaiting trial as detained individuals held in pre-trial detention that have not yet been convicted of a crime.<sup>60</sup> Many may remain in this limbo status for terms longer than allowed by the criminal codes for the crime of which they are accused, in clear violation of human rights and due process guarantees. Ideally, their numbers should be kept to a minimum through a functioning bail system and speedy case processing. In Central America, Costa Rica and Nicaragua have the smallest number of pre-trial detainees, but in Panama (61.7 percent) and Honduras (63.5 percent) more than half of the total inmate population is awaiting trial. One result of the lack of reliable indicators and inter-institutional coordination is determining exactly how long detainees have been in pre-trial detention; which is fundamental to ensuring their due process rights as well as designing policy interventions.

**Figure 6.4: Percentage of Pre-Trial Detainees and Prison Population**



Country/year	Prison population	Occupancy level (based on official capacity)
Guatemala	7,477	107.2%
El Salvador (2007)	14,682	199.2%
Honduras (2005)	11,589	140.0%
Nicaragua (2006)	6,060	132.7%
Costa Rica (2008)	8,654	108.9%
Panama (2008)	11,369	160.3%

Source: International Center for Prison Studies (2008)

<sup>60</sup> See for example the Open Society Institute’s initiative on pre-trial detention. Justice Initiatives: Pre-Trial Detention. Open Society Institute, Spring 2008  
[http://www.soros.org/initiatives/osji/articles\\_publications/publications/pretrial\\_20080513/Justice\\_Initiati.pdf](http://www.soros.org/initiatives/osji/articles_publications/publications/pretrial_20080513/Justice_Initiati.pdf)

Prison over-crowding is reaching disturbing levels in some countries, impairing the rehabilitation function of the penitentiary system. Excessive numbers of pre-trial detainees is one of the main causes of prison overcrowding. Such overcrowding violates the human rights of prisoners, and seriously undermines the rehabilitation function of the correctional system. Discipline and personal security of inmates are very difficult to maintain in overcrowded prisons. In Central America all the prison systems are overcrowded, with El Salvador and Panama reaching unmanageable levels. Not surprisingly, wars among *maras* are transferred to the prisons with some attacks conducted with hand grenades, and automatic weapons while some prisons also have a disturbing tendency to catch on fire (see also chapter 4).<sup>61</sup>

#### **6.4 PERFORMANCE OF THE POLICE FORCES**

Police forces remain a weak pillar of the criminal justice system and are in great need of organizational reengineering. The poor performance of the police is at the core of the citizen security problem in Central America. Common causes of this problem are: (a) centralized decision-making; (b) antiquated problem-solving model; (c) tendency to overextend responsibilities; (d) low capacity in intra-and inter-agency coordination and cooperation for efficient deterrence of crime; (e) recurring illegal practices (abuse of power, corruption, excessive use of force); (f) deficient internal and external controls; and (g) excessive bureaucracy and inadequate training and lack of professionalism (Alda, Eric, Buvinic, Mayra and Lamas, Jorge August 2005)

Professionalization of the police forces has not made significant progress and bad practices remain unabated. Compounding these problems, fiscal constraints have often resulted in insufficient resources for the proper training of new recruits and inadequate police salary structures, and tendency to use armed forces for police functions. Members of police forces in Costa Rica have been accused of illegal “social cleansing.”<sup>62</sup> In Guatemala, extralegal executions of juvenile gang members, pickpockets, and street children have allegedly involved self-defense groups that, according to human rights organizations and the media, work in complicity with some members of the security forces.<sup>63</sup> In Nicaragua, public defenders have complained that police often carry out raids and massive detentions even when searching for only one criminal suspect. The public defenders assert that complaints against abusive police behavior rarely are investigated.<sup>64</sup>

Negative perceptions about the effectiveness of the police have contributed to the rise of vigilantism. The perception that crime is out of control often leads to the sense that the police are incompetent, undermining public confidence in the government as a whole. Even worse, in many areas, the police are viewed as actively contributing to crime. If the police cannot be trusted to effectively and impartially enforce the law, people may take measures to protect themselves. Arguably, one of the best indicators of state failure is the rise of vigilantism. In some parts of the region, there were already ‘self-defense’ structures left over from political conflict, which lend themselves readily to informal law enforcement. (See also chapter 2).

The growth in private security forces has also reached unmanageable levels for Central American countries. Vigilantism is the last resort of people who otherwise lack the resources to protect themselves. For the ones who can afford them, private security officers (often owned by current or former members of the police or security forces) are available. Private personnel earns higher salaries, only protect the wealthier and most powerful and can insulate this group from the daily realities suffered by the poor and disadvantaged (UNODC, May 2007). Private security forces outnumber police forces in all Central American countries with the exception of Guatemala and Honduras. In Costa Rica their number is almost

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<sup>61</sup>UNODC May (2007) p. 34.

<sup>62</sup>Although this type of practice was declared unconstitutional in June 1998, the local media have reported raids made on various occasions since then.

<sup>63</sup>Abundant information on this subject appears in Amnesty International’s 1997 report.

<sup>64</sup>Arduino, Ileana (2007), p.187, quoting Informe de país sobre derechos humanos (2004) US Embassy in Nicaragua.

double that of the police forces. The difficulty in regulating these “private armies” has attracted the attention of legislatures and several proposals have been discussed in recent years to better control these companies that profit from the general perception of insecurity but do not make a clear contribution to eliminate its causes.

### ***The Challenges of Inter-institutional Coordination***

Inter-institutional coordination with other justice sector agencies is critical to reduce impunity. Effective linkages must exist between the police and other justice sector institutions, including the judiciary and public prosecutors, to address issues of crime and violence. The close collaboration and sharing of information is critical to reduce impunity. For example, the OECD Handbook on Security System Reform underscores this approach when advocating that police reform be done as part of an integrated justice sector reform that includes the judiciaries and prisons<sup>65</sup>

Formal coordination arrangements are a step in the right direction even where the results are not immediate. The lack of an effective inter-institutional coordination mechanism, multiple bodies with overlapping functions, lack of reliable data and integrated information systems are all significant obstacles to addressing crime and violence. The case of Guatemala provides a typical example of the challenges of inter-institutional coordination and the need for coherence among different institutions engaged in fighting crime and violence. In Guatemala, the National Civil Police (PNC) initiates the investigation, the Public Ministry (MP) reviews the findings of the PNC and determines whether or not to indict the suspects, the National Forensic Sciences Institute (INACIF) analyzes evidence in complex cases, the Public Defense (DPP) provides legal defense services to accused parties that cannot pay a private attorney, and the Judiciary (OJ) listens to the allegations of the attorneys for victims and suspects, the PNC, MP and DPP, and makes a final decision. A coordinating unit (*Instancia Coordinadora*) for the criminal justice reform has been in place for several years.<sup>66</sup> Senior staff of OJ, MP, MINGOB (*Ministerio de Gobernación*), DPP, INACIF participates in the operation of the unit and have agreed on an action plan to improve the timeliness and efficacy of the criminal justice system but remains to be implemented.

Different levels of institutional development complicate coordination efforts, particularly where performance measurement and monitoring/evaluation are weak. The institutional development of sector agencies has reached different stages. In Guatemala, while the OJ and DPP have been able to implement a full-fledged career system with periodic performance evaluations, PNC and MP are lagging behind. Performance measurement of individual institutions and the system as a whole is very limited. Internal controls and accountability mechanisms are still weak and need strengthening. It is clear that these criminal justice agencies need to raise the profile of current staff; apart from competitive and transparent selection and evaluation project, the training needs of all these agencies are enormous, and have only been partially served by current programs.

As opposed to the current fragmentation in ICT infrastructure, the development of a single technological platform could facilitate inter-institutional coordination. The lack of a single information system or systems that have appropriate interfaces to exchange key information with appropriate security levels is a major obstacle for sector coordination. In Guatemala, the MP operates SICOM, the most advanced system that allows measuring the performance of MP units against agreed indicators (e.g. crimes against women or life-threatening crimes). The system operating in the PNC (SIPOL) also has strong capabilities to operate online but is only active as a pilot project in a few police units (*comisarías*). The Military has its

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<sup>65</sup> OECD Handbook on Security Systems Reform: Supporting Security and Justice. OECD 2007 Edition. Section 7.5; Also see: the joint World Bank/UNODC report “Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean.” World Bank. Report No. 37820. March 2007.

<sup>66</sup> The possible creation of a National Justice Commission has been advanced to prepare reform proposals.

own separate system (SION) as well as MINGOB itself (SIAPEN) and the DPP. The OJ is developing its own system but has not awarded the relevant contract. Each of these systems was developed in isolation and cannot be inter-connected. Such reforms should be considered in a phased approach, with the first step being to gather and define data consistently among institutions and, at a later stage, ensuring connectivity between them. In Honduras, the electronic file system (SIDE) started operations a few years ago supported by a basic technological platform that helped the exchange information among the Police, the Public Ministry and the Judiciary.

### ***Community Policing: a New Approach to Police Reform***

Community policing has been underutilized in Central America in spite of the positive experiences in other LCR countries. Community policing is an effective strategy developed in the United Kingdom, United States and Canada in the 80's that now has been applied all over the world and in pilot projects in a few Latin American countries. However, it has had limited application in Central America. The strategy responds to three basic issues: citizens' lack of satisfaction with police services, police patrol and crime investigation insufficient to reduce crime substantially and demoralized foot patrol police forces due to the little importance given to this task (Fruhling, Hugo 1998).

Emphasis on the active role of the community is a distinctive feature that generates new institutional dynamics. Community police strategy emphasizes the citizen as beneficiary of and participant in the design, implementation, and control of security policies. From this perspective, actual crimes and the citizens' fear of crime are both matters of concern, and actions are proposed not only with respect to the offenders but also with respect to the victims.

## **6.5 ACCESS TO CRIMINAL JUSTICE INSTITUTIONS**

Access to justice in general results from the interplay of a number of economic, legal and social variables that have to be tackled in tandem. Access to justice refers to the ability of individuals and entities (such as companies) to take recourse in the justice system to resolve their disputes in a timely, cost-effective and transparent fashion. The concept includes a number of factors, such geographic distance, court fees, attorneys' fees, procedural and other legal hurdles, as well as the right to a fair trial with due process, and the enforcement of judgments within a reasonable time. The degree to which criminal justice institutions are accessible is determined by the real possibilities for citizens to obtain a prompt resolution to their justice demands, protect the victims of crimes, and for the poor and disenfranchised to receive legal assistance.

In criminal justice, access has two specific and equally important dimensions (for the victim and for the perpetrator) that have to be balanced during any reform process. In the case of a crime, accessing justice will differ depending upon party involved-- for the victim access to justice begins with reporting a crime to the police, including having confidence that the police will listen impartially to the complaint, investigate the crime and catch the perpetrator and, once the perpetrator has been apprehended then they will be tried by the court, punished for the crime and have their own rights restored. For the alleged perpetrator, access to justice includes a protection of his rights under the national legal framework as well as international law, a right to counsel during the investigative phase and trial as well as a speedy trial by a fair and impartial judge and, if sentenced, his human rights would continue to be respected while in jail. Due process in criminal justice means that a person suspected or accused of a crime has a legal right to receive notice of the charges against him, and the right to be heard in an orderly and fair proceeding in defense of his or her rights. Criminal justice may be said to be efficient when equilibrium is established between expeditious process and minimal social costs versus the rights of the defendant.

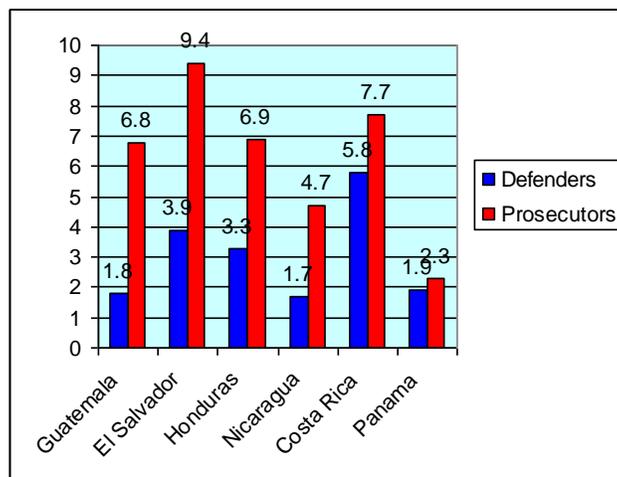
## Public Defense Services

Effective public defense is a critical element of a functional criminal system and the slow progress of most Central American countries in this area is disturbing. An adequate defense is crucial to a well-functioning criminal justice system, to effectively protect the rights of defendants that cannot pay legal counsel (Ferrandino, Alvaro 2001). Ideally this would include equally powerful institutions advocating for the state and for the defendant. As a consequence, an effective public defense must be timely, permanent and effective. This should be initiated at the outset of the criminal process, from the moment the suspect gives his first statement to the police. It must remain present and accessible during the entire process and the public defender should not be unexpectedly replaced. Unfortunately, in spite of significant efforts in the context of recent reforms these elements remain poorly developed in Central American systems.

Efforts to establish public defense programs started well before the new criminal procedures reform. Traditionally, “pro bono defenders” were designated by each court and most often provided only a minimal formal defense to comply with legal requirements, not sufficiently effective to protect and defend the rights of the defendant. The reforms provided a Public Defense system with full-time lawyers paid by the state and exclusively devoted to their clients’ cases. The region’s first Public Defense program began in Costa Rica in 1969, under the Judiciary. In 1989, Honduras started a Public Defense project taken over by the Supreme Court in 1992. In 1994, El Salvador started its program under the Solicitor General’s Office. In Guatemala, in 1992 a Public Defense pilot project was begun and later expanded. Currently, Guatemala has a financially autonomous Public Defense Institute whose legal framework was determined by the 1996 Peace Treaties. Nicaragua’s Public Defense was created in 1999 by the Judiciary and also includes legal aid clinics and pro-bono lawyers. Panama’s system was created in the 80’s.

A very low ratio of population/public defenders points at the limited coverage in the operation of the public defense system. Public defender numbers are still low in most of Central America compared to international standards, except for Costa Rica where an adequate balance is found. In most countries the number is under two defenders per 100,000 persons, resulting in insufficient coverage to serve all defendants lacking the means to pay a lawyer. The disparity between the number of prosecutors and public defenders per 100,000 people is remarkable, especially in El Salvador, Guatemala and Honduras. A fair adversarial balance for the poor and disadvantaged is put into question.

**Figure 6.5: Number of Prosecutors Versus Public Defenders**



Source: UNDP (2008)

On the positive side, public defense institutions have shown substantial functional independence vis-à-vis other sector agencies. In most countries, the public defense is under the Judiciary or Executive branch, except for Guatemala where the public defense operates as an autonomous agency. Administrative dependency upon another justice sector institution is acceptable provided the public defense organization has functional independence. There are notable examples of Central American public defenders denouncing excessive criminal laws as infringements of constitutional rights to defense and freedom. El Salvador's Public Defenders brought a formal action of unconstitutionality against the 1996 Emergency Law to Fight Delinquency. In Guatemala, the Public Defenders have supported or led many actions against the death penalty. In Costa Rica, they have fought against the indiscriminate use of preventive detention and solitary confinement of defendants. In Nicaragua, Public Defenders fought to gain access to defendants from the moment the defendant first appears before the Judge (Ferrandino, Alvaro 2001).

### Box 6.6: Addressing Impunity in Guatemala

Issues of impunity, extrajudicial executions, and the deprivation of liberty without due process are major challenges to the rule of law throughout much of the developing world, and Central America is no exception. Indeed, a number of *ad hoc* international commissions and special rapporteurships seek to address these issues throughout the region. Perhaps among the most well known of these is the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad – CICIG*). It was created in December 2006 at the request of the Guatemalan Government, and began functioning in January 2008 with the objectives of: (i) supporting, strengthening and assisting Guatemala's State institutions to investigate and prosecute crimes allegedly committed by illegal security forces and clandestine security organization; and (ii) establish mechanisms and procedures to protect Guatemalan's fundamental rights pursuant to the international conventions to which Guatemala is a party.<sup>67</sup> Passage by Congress of the agreement establishing the CICIG was the result of the strong political will of the Government, private sector, and civil society. Funding is provided by various donors as well as private donations for the Commission's two-year mandate, an extension of which was recently endorsed by President Colom.<sup>68</sup>

Illegal security groups and clandestine organizations in Guatemala have direct links to state agencies and are, thus, able to block judicial action against them- resulting in impunity. CICIG works with the Public Ministry and other justice sector institutions to "investigate and dismantle violent criminal organizations believed responsible for the widespread crime and the paralysis in the country's justice system." CICIG is headed by a Commissioner appointed by the U.N. secretary-general. The agreement provides that CICIG may join any criminal proceeding as an ad-hoc prosecutor (*querellante adhesivo*) but also provides technical assistance to national justice sector agencies to strengthen their capacity.

In less than a year and a half, and in part as a result of CICIG's work with State agencies, 1,700 people have been expelled from the police force, including 50 senior officials and the deputy director of national policy; 10 prosecutors had been asked to leave and the Attorney General has been replaced.<sup>69</sup> However, the fight against impunity in Guatemala remains a daunting task, exemplified by the low conviction rate of homicides. For example, from 2005 to 2007 there were 1,960 women murdered in Guatemala yet only 40 convictions with 1,120 cases that had not yet gone to trial.<sup>70</sup>

In addition to the CICIG, President Colom has recently announced three initiatives which could pave the way for significant advancement in the fight against impunity. He announced a Presidential anti-impunity committee, a panel to review and de-classify Guatemalan army archives from 1960-1996 and, lastly, the creation of an elite U.S.-trained anti-drug force.<sup>71</sup>

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<sup>67</sup> See "Agreement between the United Nations and the State of Guatemala on the establishment of an International Commission against Impunity in Guatemala ("CICIG)". For more information see: <http://www.cicig.org/>

<sup>68</sup> <http://www.coha.org/2009/03/combating-impunity-violence-and-crime-in-president-colom%E2%80%99s-guatemala/>

<sup>69</sup> [http://www.un.org/News/briefings/docs/2009/090224\\_CICIG.doc.htm](http://www.un.org/News/briefings/docs/2009/090224_CICIG.doc.htm)

<sup>70</sup> Id.

<sup>71</sup> Id at 2.

## 6.6 ALTERNATIVE DISPUTE RESOLUTION (ADR) MECHANISMS

ADR refers to means of settling disputes outside of the formal courtroom. It typically includes arbitration, mediation/conciliation and early neutral evaluation.<sup>72</sup> ADR has gained widespread acceptance among both the general public and the legal profession for civil matters in recent years, and is usually considered an alternative to litigation and has become an important option in reduction of case backlogs or when complex procedures impair effectiveness of formal court proceedings. In Latin America it can (in very limited circumstances) be used for criminal as well as civil matters (see 6.4.2.2 below).<sup>73</sup> It is also an access mechanism that allows an expeditious solution for illiterate and/or poor people that cannot afford to navigate conventional legal channels. Because some ADR mechanisms are less formal and less expensive than traditional formal legal procedures, they can better reach a geographically dispersed population.

Arbitration and mediation centers are operating successfully in most Central American countries. In El Salvador, ADR operates via community-based mediation centers, working with municipalities as well as the Public Defender's Office. By 2006, the mediation centers had resolved over 8,500 disputes.<sup>74</sup> In these centers family, property, and community disputes can be resolved at low cost to the parties. To-date more than 27 such centers have been opened. In Honduras, 13 Municipal Conciliation Centers have been implemented through cooperation agreements with municipalities. As of 2007, these centers had an impressive record with a 60% rate of formal conciliations and a 14% rate of informal agreements. (CAJ/FIU 2007). The "mobile justices of the peace courts" also started operations in 2007 with buses

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<sup>72</sup> Cornell University Law School, "ADR, Alternative Dispute Resolution: An Overview", <http://topics.law.cornell.edu/wex/ADR>

<sup>73</sup> The expansive notion of ADR application in the criminal context was first explored in the 1970s in Canada. It found expression in the context of restorative justice/victim rights by the voluntary bringing together of victim and defendant, in the presence of a mediator, in order to explore issues of rehabilitation, forgiveness, and the element of "shaming the offender." (See, Lewis, M., McCrimmon, L.(2005) *The Role of ADR Processes in the Criminal Justice System: A View from Australia*, September 4 -8, 2005, ALRAESA Conference. Beyond this narrow application, the use of ADR within the criminal justice sector is inalienable to the basic premises and goals of a criminal justice system. The application of ADR is premised upon the notion of bringing parties together to explore resolutions to a civil **dispute**. The term "dispute" finds primary expression and applicability in a civil context, and only in a limited expression in criminal matters, such as victim rights. The term "dispute", as encompassed by ADR process, beyond victims' rights, cannot and may not, be transferred to a broader application within the criminal sphere. The terminology applicable within the criminal context is the term "**offense**." Simply put, an "offense" is not a dispute. An offense is a criminal act, it is not a commercial disagreement. For example, victims do not have *disputes* with rapists, they are raped. In the criminal context, an offender, based upon his/her own decision, commits a criminal act. He/she does not have a conflict with a victim which warrants compromise procedures. Moreover, civil ADR is most successful when the dispute involves a moderate level of conflict, such as a dispute over billing charges. Beyond the rarity of a crime victim's voluntary request for a meeting or resolution, ADR is not suitable in criminal cases which are highly charged emotional events, For example, the adoption of ADR within the criminal context suggests that the parents of murdered children should be compelled to meet with the offender. "In serious justice conflicts and cases of intolerable moral difference, compromise is simply not an option because the issues mean too much to the disputants." (See, Spangler, B., *ADR*, June 2003, Beyond Intractability.org.) Furthermore, ADR is unsuitable within the criminal sector in that offenders are free to use it as a tool for exploitation – as in embracing ADR as a mechanism to appease the victim, prosecutors or courts in order to obtain a more lenient treatment, rejecting its utilization as a means of atonement and repentance. ADR has a place within the Criminal Justice System, but only in a very narrow range of circumstances, such as victim's rights, wherein victims of non-violent offenses meet with offenders in search of compensation or acknowledgement. ADR has no usefulness in a criminal justice system beyond these sorts of situations.

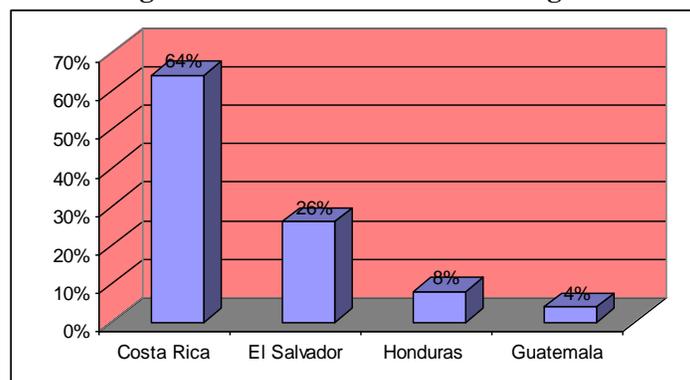
<sup>74</sup> USAID/El Salvador, Case Study, "Reaching Agreement through Dialogue" [http://www.usaid.gov/stories/elsalvador/cs\\_es\\_dialogue.html](http://www.usaid.gov/stories/elsalvador/cs_es_dialogue.html)

designed to operate as judicial offices that move on an established schedule in marginal areas of two main cities (Tegucigalpa and San Pedro). In one year, they have solved 3,588 cases, most through ADR.

In Panama, the Judiciary has sponsored a program to manage 5 court-annexed mediation centers. The work with civil society includes training in mediation and organization of community-based centers at local universities and “*corregidurías*” – akin to a justice of the peace courts.<sup>75</sup> These community-based centers provide unprecedented access to justice and promote informal conflict resolution. In Nicaragua, civil society and human rights organizations have taken the lead to help victims of domestic violence and other human rights abuses through ADR and the Peace Commissioners. Peace Commissioners focused on conflict resolution and reconciliation, improving local government, and extending legal services in municipalities affected most adversely by the decade-long civil war.<sup>76</sup> In this country also, a group of “judicial facilitators” operate in poor rural areas; this group of local leaders, selected by their communities, has carried out more than 20,000 mediations between 2003 and 2008.

Sometimes, criminal justice officials may be reluctant to use suitable ADR mechanisms in non-violent crimes and remain attached to traditional processes. While ADR has advanced in informal and community settings, it has not had the same positive results in conjunction with criminal proceedings, with the exception of Costa Rica, which together with Chile, has the highest use of ADR mechanisms in criminal cases in Latin America (JSCA, Zalamea León, Diego 2007). In a criminal justice context, ADR measures must be implemented by the prosecutors who are still reluctant to abandon the traditional mechanical and often passive role they held under the old criminal procedures, although most countries (with the only exception of Panama which still has a mixed system) already have legal instruments that assigns prosecutors discretionary authority to reject or file cases or to use alternative mechanisms. As prosecutors have adopted a low profile vis-à-vis citizen demands for security, they are reluctant to adopt discretionary measures and use alternative mechanisms if the media and public opinion are clamoring for more severity against criminals (JSCA, Riego, Cristián, editor, 2007).

**Figure 6.6: Percentage of Criminal Cases Solved using Alternative Measures**



Source: JSCA, Zalamea León, Diego (2007)

### ***Victim Protection***

New criminal procedures recognize the need to protect victims, witnesses and judicial operators from the threats of organized crime and other perpetrators. In Central America most increases in crime and

<sup>75</sup> *Corregidores* are similar to justices of the peace. They administer justice at the local level. A *corregiduría* is the respective *corregidor's* office which has a limited jurisdiction.

<sup>76</sup> For more information see: USAID Alternative Dispute Resolution Activities in Latin America and the Caribbean [http://www.usaid.gov/locations/latin\\_america\\_caribbean/democracy/adr/](http://www.usaid.gov/locations/latin_america_caribbean/democracy/adr/)

violence are related to organized crime (narcotics and firearms traffic). Organized crime uses non-conventional methods, blackmailing, bribes and violence to assure immunity from prosecution. When bribes do not function, violence is the alternative. As a consequence, victims and witness testimony are critical to obtain evidence. In an attempt to address these issues Central American countries have adopted new legislation ensuring the protection and security of victims, witnesses and judicial operators. Protection is also crucial in domestic violence cases and sexual offenses where the victims are easy prey of violent relatives, partners or offenders.

Victim protection offices are still in the earliest stages of development and need substantial strengthening. The gap between laws for victim protection and their implementation is wide. In practice, victim protection is still one of the weakest elements in the region's systems. There are no well structured national systems to assist victims of crime and to help them to rebuild their lives and provide them with direct services and resources. Public policies have not been developed to deliver training and technical assistance to victim service organizations, or operators of criminal justice agencies. The existing offices have very limited resources. In Guatemala and Costa Rica, the Prosecutors Offices do have units for victims' attention. In El Salvador this unit is under the Ministry of Justice. Honduras and Nicaragua still do not have them (JSCA, Riego, Cristián, editor, 2007).

## **6.7 CONCLUSIONS AND RECOMMENDATIONS**

### ***Delivering on the Promises of Recent Reforms***

Legal reforms are just the beginning of a long-term process needed to address issues of crime and violence. The reform efforts in Central American countries have focused on developing new legal frameworks, which preliminary evidence suggest some are proving effective (adversarial criminal procedures) and some questionable (*mano dura* legislation). Continuous political will is fundamental for sustained advances in addressing crime and violence, and involves a serious policy commitment that transcends a single government's term. Citizen security is a public policy and it may cut across several agencies and sectors, should allow for the effective implementation of the legal reforms and go beyond into the re-engineering of criminal justice institutions used to working in isolation. Ensuring that all state institutions become committed to the vision and principles of democratic security and rule of law is certainly a major challenge. But without this commitment, isolated attempts at dealing with soaring crime and violence rates may lead to disappointing results.

Completion of recent criminal justice reforms requires robust monitoring systems and a communication strategy that engages internal and external stakeholders and institute more open, transparent processes. The procedural reforms establishing an accusatorial system have been a positive development, but have not yet lived up to expectations in terms of more efficient and effective criminal justice. To start with, countries have to design implementation plans with clear indicators to assess the reform progress and take prompt action to put it back on track as needed. Access to reliable statistics is crucial but in most Central American countries, available information systems do not generate reliable data. Police Forces, Public Ministries, Judiciaries and Public Defense Organizations follow separate, non-compatible data collection process, and rarely share the resulting information. They will have to develop a monitoring system that collects information organized under systematic variables to measure performance indicators. That system has to be complemented by studies, assessments, workshops and forums to determine the effectiveness of the procedural reforms. A communication strategy in the reform process is essential with instruments targeted at the general public (like publication of newsletters and informational materials) and to criminal justice operators. The example of the criminal justice reform process in Colombia and Peru is worth following.

### ***Developing New Approaches and Instruments for Subsequent Reforms***

Only a comprehensive strategy on crime and violence issues will ensure the involvement of various institutions active on crime prevention, control, punishment, and rehabilitation. Criminal justice institutions, such as the police, prosecutors, and courts are critical actors for state action concerning security but they cannot cope with that challenge alone. The disproportionate expectations generated by the legal reforms have not been followed up by institutional reforms to ensure that criminal justice agencies accomplish old and new mandates efficiently. Reformers have to realize that these agencies can deal with some aspects of the problem, but are not designed to address the roots of crime and violence.

Achievements in terms of human rights and rule of law should be retained while the reform moves to a new stage of performance-based management. Criminal justice reforms implemented over the past 15 years in Central America have stressed concerns for human rights and the rule of law, to counteract the level of abuse by security agencies during decades of military rule. While retaining these gains, future reforms should focus on the improved performance of sector institutions. Police forces remain well behind in terms of administrative and operational management, and strategic planning. Internal dysfunctions become apparent in incomplete criminal investigations, heavy case backlogs and slow processes. Improvements in the services provided by the “front offices” will depend on radical reforms in the “back offices.” The operational capabilities of the Judiciary, the Public Ministry, the Public Defense and Police Forces can only be strengthened through the design and implementation of new management models that revamp their organizational structures and internal functioning.

Court administration and case management can be optimized with internal processes reengineering. The results of the Guatemala and Costa Rica pilots on rapid reaction one-stop shops (24-hours and “*in flagrante delicto*” courts) in terms of reduced case disposition times and full respect of due process guarantees are encouraging. They show that inter-institutional coordination among police forces, judges, prosecutors and public defenders operating in the same office can be effective. These arrangements respond admirably to the public clamor for quick responses to address the rising wave of crime and violence and are supported in internal process reengineering. In meeting these challenges, it is important to identify “best practices,” and dare to introduce new technologies. Some of these innovative experiences are: the use of ISO-9000 to certify service standards the judiciary and ensure minimum standards, the establishment of virtual courtrooms instead of physical courtrooms, the development of electronic notification systems between Judiciaries, Public Ministry, Public Defense offices, and the National Police and the use of a common digital file that circulates through various institutions.

Accountability of individual criminal justice operators can be enhanced with modern human resources tools and increased autonomy of independent agencies such as Judicial Councils and Ombudsmen. While public information activities will help strengthening the service delivery aspects of criminal justice system. The development career paths for professional and administrative personnel will be critical to establish modern mechanisms to measure individual and group performance. Criteria for hiring, selection and promotion, improvement of human resource management capabilities, monitoring of ethical behavior, promoting attitudinal change among personnel of all levels, and in-service learning programs (including virtual programs) are typical performance-enhancing tools that Central American countries have not mainstreamed. Incentive systems that compensate for not working in the higher paid private sector can be considered.

Transparency of criminal justice institutions can be reinforced by citizens’ oversight projects. To attain local participation and ownership of any reform process the inclusion of civil society organizations is very useful, but in the case of citizen security initiatives community participation is essential. The creation of citizens’ oversight mechanisms is also critical to strengthen respect for human rights and due process. These programs may also generate valuable data to complement the perceptions data provided by national and regional surveys such as Americas Barometer, Latinobarometer, UNDP indicators, etc. These can

also be complemented by “users” surveys, which focus on those with direct experience of the justice sector and be compared to broader population surveys such as Latinobarometer.

Capacity-building in criminal justice training institutions must remain a top priority in the agenda but requires stronger inter-institutional coordination. Training must be at the core of any reform program. Citizens security plans are complex and require significant inter-institutional coordination. Training units of all the sector institutions must work together to develop the skills of the officials in charge of the implementation of reforms. The training component of a reform implementation plan must include: (a) identification of a core group of instructors who then become trainers-of-trainers; (b) efficient utilization of resources (including e- courses or V/C courses); (c) providing training which meet the needs of service users; and (d) engagement of external training providers.

### ***Tailor-made Institutional Responses to the Needs of Vulnerable Groups***

Large segments of vulnerable populations in Central America demand a non-standard approach for the delivery of criminal justice services. Shortages and disparities in the justice services available to the disadvantaged have to be addressed with mechanisms tailor-made to the needs of marginal communities. Several options are available such as ADR mechanisms, integral programs for victim protection, and citizens outreach programs to enhance awareness of citizens’ legal rights and responsibilities.

Partnerships of criminal justice institutions and local governments are essential for community police to improve citizen security. Community police programs are complex and difficult to implement but are one of the most effective mechanisms to reduce crime and violence. Involving communities in crime and violence prevention yields high returns. Several prior experiences in LCR show reductions in crime and violence indicators and improvements in citizens’ perceptions on security. Common elements of these initiatives are: (a) surveys, forums or town meetings to identify problems and priorities; (b) police-sponsored neighborhood or block watches, and business watch programs; (c) crime prevention newsletters and other crime education programs for the public; (d) small local police stations in target neighborhoods; (e) civilian volunteer liaison with community police; (g) police foot patrols; (f) increased attention to minor offenses that are major annoyances to local residents, (g) permanent assignment of police officers to neighborhoods; (h) increased education requirements for police forces; and (j) reassignment of certain management tasks from police personnel to civilian personnel (Neil, Rachel July 1999 and Chinchilla and Rico, 1997).

Publicly-funded and alternative defense services need to be expanded and strengthened. A reasonable degree of parity in the resources available to defendants and victims/the State is necessary for the effective application of due process. Strengthening of existing publicly funded public defense systems in Central America remains an open item in the agenda. Broaden the coverage of current services and enhance the professional development of public defenders (in particular in oral trial skills and human rights issues) are the main items in the reform agenda. Given that no developing country can afford a full-time publicly funded legal defense and alternative services have to be considered, in particular the legal clinics (*Consultorios Jurídicos*) operated by law schools and civil society organizations. Each Central American country has to develop an updated inventory and map the numerous legal clinics, ascertain their capabilities and agree on priority assistance areas. A well structured network of these alternative legal defense providers would facilitate information exchange, referral services, and litigation support.

The potential of ADR for vulnerable groups can be brought about by criminal justice institutions in partnership with CSOs. In Central American countries mediation centers, judicial facilitators and mobile justice of the peace courts have generated spaces where members of vulnerable communities receive access to justice services. Programs tested in other LCR countries, like the Justice House and Peace Centers also promote citizenship values and peaceful coexistence in partnership with CSOs could be adapted to the particular needs and features of each country.

Victims' assistance centers remain a top priority in most countries and must be established in partnership by criminal justice agencies. The criminal justice reforms advanced in most of Central America afford an important role for victims that can only be effective if the sector institutions provide legal, social and psychological assistance to victims of violent crimes, arrange for their protection, and keep the victims updated on the status of their cases. Typically victim assistance centers are inter-institutional projects of Judiciaries and Public Ministries. Colombia and Chile have made significant progress while implementing similar reforms. The victim assistance model of the Peace Centers in Colombia maybe also relevant for Central America.<sup>77</sup>

Sustainability of citizen security initiatives depends on community ownership, and local governments' institutional capacity. Sustainability of initiatives to reduce crime and violence in Central America depends on local institutions working together with the support of local citizens. Ownership is the product of inclusiveness, participation, and commitment by the local leadership and personnel. Criminal justice operators and citizens may quickly lose confidence if institutions are unable to meet the expectations generated by the reforms. Local governments and civil society organizations have a pivotal role in the design and implementation of the reform process.

### ***Policies for Addressing Criminal Justice Institutions***

The policy recommendations for criminal justice institutions outlined below focus on core institutional reforms which are necessary for well-functioning justice systems. They focus on balancing effectiveness, including respect for due process and the rule of law, and efficiency. They also focus on the cultivation and use of reliable data for evidence based policy reforms in the sector, which is a major weakness of the sector.

Goal: Deterring crime and violence. Policy Recommendation: Improve inter-institutional coordination and information-sharing mechanisms to facilitate rapid and effective reaction (including prompt decisions on arrests, indictments and convictions) while protecting due process and human rights guarantees. Reforms should focus on internal process re-engineering, adoption of cost-effective information and communication (ICT) systems, including the gathering and dissemination of statistics and other information at each step in the processes in different agencies (police, courts, prosecutors, public defenders, prisons) and based on this information adjusting the focus of policing and prosecutions towards the highest impact cases (e.g. through use of prosecutorial discretion provided in the revised Criminal Procedure Codes, “*principio de oportunidad*” and plea bargain).

Goal: Ensuring accountable criminal justice sector institutions. Policy Recommendation: Institute performance-based management tools in these institutions (police, judiciary, Attorneys General, public defenders) such as results-based budgets, performance contracts, performance measurement for individuals and groups, and ensure that selection, promotion and disciplinary processes are competitive and transparent. Also focus on mechanisms to attract and retain top professional expertise to criminal justice agencies, including stable tenure and competitive salaries so as to prevent or minimize high rotation.

Goals: Ensuring due process and human rights guarantees: Policy Recommendations: Build on the information gathered through ICT systems to ensure pre-trial detention meets national and international standards, that arrests and pre-trial detentions respect human rights (for instance, that juveniles are kept separate from adult offenders and that violent, convicted criminals separated from non-violent suspects and those awaiting trial). Support civil society oversight of the due process/human rights of criminal justice institutions (“*observatorios de justicia penal*”).

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<sup>77</sup>USAID/Colombia Justice Reform and Modernization Project USAID Justice Reform and Modernization Project, Bogota, 2008.

Goal: Addressing major corruption within the Justice Sector Institutions. Policy Recommendation: Establish/strengthen coordination mechanism with Financial Intelligence Units and other accountability offices (Ombudsperson's Offices, Judicial Councils, etc.) which should be sufficiently funded and granted ample discretion in the exercise of their duties. Judges and other key justice sector officials should be required to publically disclose their assets. Judicial decisions should be made publicly available promptly after legal process termination to facilitate public scrutiny.

Goal: Addressing Street Crime, Gangs and Petty Theft. Policy Recommendations: undertake local citizen security strategies and police reform (in close coordination with local governments) that involve public information campaigns for awareness-raising about security issues in specific communities, and community involvement in the design and implementation of the security strategies. Increase focus on preventive measures, before at-risk youth are lured in to participating in illegal activities, in partnership with civil society/private sector organizations active in the community that provide suitable training and employment opportunities. Coordinate with international actors specializing in the sector (e.g. UNODC, Habitat)

Goal: Increasing access to reformed justice sector institutions through rapid reaction, one-stop-shop units. Policy Recommendations: (i) pursuing police reform by bridging the gap between institutions and citizens through mechanisms such as community policing and family police stations designed to provide immediate services to women and children in cases involving intra-family violence or child support; and (ii) provide special services for vulnerable groups through mechanisms such as mobile courts, 24-hour courts, houses/centers of justice that facilitate coordination among executive/judiciary agencies that provide prevention/rehabilitation services; alternative dispute resolution for select cases, public defense, legal aid, and victim assistance services.

## CHAPTER 7 PUBLIC POLICY FOR REDUCING CRIME AND VIOLENCE

*Policy makers can use several complementary approaches to address crime and violence. Sector-specific approaches—such as criminal justice, public health, and conflict transformation/human rights—have a role to play, as do cross-sectoral approaches, such as crime prevention through environmental design/urban renewal and citizen security. The criminal justice approach is the most widely known and used, but it does have limitations and should not be the sole approach employed. In terms of policy making at the regional level, Central America is taking several important steps to deal with the drivers of crime and violence. At the national level, the formulation of national plans to address crime and violence is crucial, since these plans allow for cross-sectoral collaboration and promote serious discussions on priorities in resource allocation. There are multiple entry points for public policy to reduce crime and violence. The key is to select policies and interventions that have a proven track record of success or that are extremely promising. A mix of highly cost effective long-run approaches (including investment in prevention programs with young children and families) can be combined with other interventions (such as situational crime prevention) that can provide quick impacts on crime.*

This chapter provides an overview of sector and cross-sectoral approaches to crime and violence prevention in Central America. It then makes the case that crime and violence are an issue of economic development for the region and that an integrated, multi-sectoral response (encompassing more than the criminal justice system) is needed. Finally, the chapter offers some preliminary recommendations at the national and regional levels.

### 7.1 SECTORAL AND CROSS-SECTORAL APPROACHES

In Central America, as in most other regions, efforts to prevent violence have focused on urban violence (except in post-conflict situations). Table 7.1 summarizes these efforts, distinguishing between sector-specific approaches (such as criminal justice, public health, and conflict transformation and human rights) and cross-sectoral approaches (such as crime prevention through environmental design, community-driven development and citizen security), and identifying the goals, types of violence addressed and typical interventions for each (Moser et al., 2005).

### 7.2 SECTOR-SPECIFIC APPROACHES

Among sector-specific approaches, the *criminal justice approach* is perhaps the best-known; it tries to reduce crime and violence through higher arrest rates, higher conviction rates, and longer sentences. Criminologists often distinguish between deterrence effects (dissuading potential criminals from committing crimes) and incapacitation effects (preventing criminals from committing crimes because they are imprisoned). The criminal justice approach aims to reduce crime through both deterrence and incapacitation effects. The *Mano Dura* measures discussed in earlier chapters fall under this approach, but are by no means the *only* type of criminal justice interventions available.

The criminal justice approach—which involves work with police, prosecutors, the judiciary, and prisons—is favored by politicians who want to generate rapid decreases in crime and violence. As discussed in chapter 6, Police and judicial reform is urgent both to reduce impunity and address deeper

issues involving justice, corruption, and human rights abuses; impunity plays a large role in promoting crime and violence in Central America. In the corrections area, serious reforms and additional investment are needed if prisons are to have any prospect of rehabilitating inmates, instead of just preventing them from committing crimes during their stays in prison.

At the same time, the criminal justice approach has serious limitations:

- To the extent that police and judicial institutions are inefficient and in need of reform, the injection of additional resources without reform may not produce the desired results.
- It can overwhelm an already overloaded criminal justice system;
- In the case of police, there is some evidence from the United States that simply putting more uniformed officers on the street does not reduce crime. Such officers must be in the right place and at the right time, which requires some sophistication in detecting crime patterns and allocating police resources (Felson 1994).
- There is a risk in pursuing a piecemeal approach where individual institutions (police, judiciary, prosecutors, prisons) are reformed one at a time. As Chapter 6 makes clear, the various institutions in the criminal justice system must work together. Thus, systemic reform is generally more desirable than piecemeal reform.
- Other types of investment—focused on prevention rather than control—are generally more *cost-effective* in reducing crime than investments focusing on crime control (Greenwood, 1998; USDOJ, 2004; Sansfaçon et al, 1999; World Bank, 2006b).

The *public health approach* is another sector-specific approach. Often called the epidemiological approach, it involves four steps: defining the problem and collecting reliable data, identifying causes and risk factors for violent behavior, developing and implementing interventions, and analyzing and evaluating the effectiveness of violence prevention interventions (Mercy et al., 1993; WHO, 2004). In Central America, the public health approach has been used to inform the establishment of a number of national and local ‘*Observatorios de Violencia*’ or crime and violence observatories.

The public health approach has the great advantage of being evidence-based. Interventions are tailored to address risk factors that are most important in a given locale, and there is significant emphasis on evaluating the impacts of the interventions. The one disadvantage of this approach is that many of its most important interventions—such as programs to reduce unintended pregnancies and to promote early childhood development and parental training—may have payoffs in terms of reduced violence only after some time has passed. But not all public health-inspired interventions have delayed effects: limiting the availability of alcohol and providing recreational and mentoring programs to remain in school, for example, may all produce relatively quick impacts.<sup>78</sup>

The *conflict transformation and human rights approach* promotes nonviolent conflict resolution through mediation, negotiation, and enforcement of human rights. Often used in post-conflict settings, it has also been employed by NGOs working to promote enfranchisement of marginal communities and their citizens. Another innovative option is community peace-building efforts which directly involve citizens. This approach also focuses on the state’s role in ensuring citizens’ rights to be free from victimization and the threat of violence (Moser et al., 2005).

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<sup>78</sup> For a complete list of potential interventions targeting youth violence, classified by developmental stage of youth, level of the ecological model (individual, relationship, community or society), and probable effectiveness, see Chapter 4.

### **Box 7.1. APREDE: Tackling gangs through community interventions**

Aprede (Asociación para la Prevención del Delito) is an independent NGO working to prevent gang involvement in violent areas of Guatemala City. Primary activities include:

- *Popular education.* Youth that cannot take classes in a traditional school can study in APREDE and be certified by CEIBA NGO (validated by the Ministry of Education);
- *Life-skills' development* through sports and arts;
- *Skill training* in information technology, bakery, graphic design, machine repair and maintenance, English as a second language and management.
- *Psycho-social assistance* to children and youth using social workers from the University of San Carlos;
- *Job search support* and follow-up through APREDE'S social workers;
- *Development of crime prevention strategies and campaigns* through alliances with civil society, public and private sector organizations.

*Source:* Emilio Goubaud, Director of APREDE, Nov. 2007

## **7.3 CROSS-SECTORAL APPROACHES**

The *crime prevention through environmental design (CPTED)* and the *urban renewal approach* are based on the premise that characteristics of the physical environment influence the amount of crime that occurs—and thus, that crime can be reduced by modifying the physical environment to make it more difficult and risky (and less rewarding) for potential criminals to commit crime. This approach involves interventions in the planning, design, and management phases of urban development projects (Moser et al., 2005). Importantly, this approach can address not only objective levels of crime, but also residents' fear of crime. It is usually used in the context of community-based, multi-sector "urban renewal" programs that attempt to address the causes of crime through targeted social, economic, and situational crime prevention measures in specific "hot spot" neighborhoods.

*Citizen security initiatives* (also known as "public safety"), as developed by several countries in Central America—often with the support of the Inter-American Development Bank—are eminently cross-sectoral in nature. They typically involve violence prevention using the public health approach, combined with investments in criminal justice and, more recently, crime prevention through environmental design. The best-known of these initiatives has been in Bogota, where homicides rates were reduced by more than half between 1994 and 2000 (Mockus, 2001).

The Community-Driven and Social Capital approach focuses on rebuilding social cohesion in informal and formal institutions using small, participatory and demand-driven projects that aim to create trust by building on the strengths and assets of poor communities affected by violence. This approach has been particularly used to fight gang violence and domestic violence. In Central America, this approach has often been adopted by NGOs.

**Box 7.2. Nicaragua's Citizen Security Program**

This Program focuses on four areas, based on a preventive approach and employing integrated, multi-sector, and participatory initiatives that complement one another:

- a) Institutional strengthening, especially of MIGOB, the authority responsible for policies related to citizen security;
- b) Integration and strengthening of juvenile violence prevention services using a cross-sectoral prevention model at the municipal level;
- c) Expansion and consolidation of the community policing program initiative; and
- d) A public information program to encourage inclusion of the topic within the social agenda and to educate the public on the need for values and standards in order to have social harmony.
- e) Government implementing agency: \_Ministerio de Gobernación (MIGOB)/Ministry of the Interior

Source: Belikow, Juan, "Inventory of Crime and Violence Programs in Central America," 2009.

**Table 7.1. Public Policy approaches and interventions to address urban violence**

Policy approach	Goal	Types of violence addressed	Typical interventions
<i>Sector-specific</i>			
Criminal justice	Deterring and controlling violence through higher arrest and conviction rates and more severe punishment	<ul style="list-style-type: none"> <li>• Crime</li> <li>• Robbery</li> <li>• Corruption</li> </ul>	Judicial reform
		<ul style="list-style-type: none"> <li>• Crime</li> <li>• Robbery</li> </ul>	Police reform
		<ul style="list-style-type: none"> <li>• Delinquency</li> <li>• Robbery</li> <li>• Gender-based violence</li> </ul>	Accessible justice systems Mobile courts
		<ul style="list-style-type: none"> <li>• Gender-based violence</li> </ul>	Community policing Women's police stations
Public health	Preventing violence by reducing individual risk factors	<ul style="list-style-type: none"> <li>• Youth violence</li> <li>• Gender-based violence</li> <li>• Homicide</li> </ul>	Preschool programs Home visitation programs School-based social development programs Restriction of alcohol sales Restrictions on gun ownership <del>Gun buy back programs</del>
Conflict transformation and human rights	Resolving conflict nonviolently through negotiation and legal enforcement of human rights by states and other social actors	<ul style="list-style-type: none"> <li>• Political violence</li> </ul>	Traditional systems of justice Government human rights advocates or ombudsman Civil society advocacy NGOs
		<ul style="list-style-type: none"> <li>• Institutional violence</li> <li>• HR abuses</li> <li>• Arbitrary detention</li> </ul>	
<i>Cross-sectoral</i>			
Crime prevention through environmental design / urban renewal	Reducing violence by focusing on the settings of crime rather than the	<ul style="list-style-type: none"> <li>• Economic violence</li> <li>• Social violence</li> </ul>	Local level programs Urban renewal programs Integrated slum upgrading programs
Citizen security/public safety	Using cross-sector measures to prevent or reduce violence	<ul style="list-style-type: none"> <li>• Economic violence</li> <li>• Social violence</li> </ul>	National level programs Local level programs
Community-driven development (CDD)/ social capital	Rebuilding social capital, trust, and cohesion in informal and formal social institutions	<ul style="list-style-type: none"> <li>• Youth gangs</li> </ul>	Community-based solutions
		<ul style="list-style-type: none"> <li>• Gender-based violence</li> </ul>	Crisis services for victims Ongoing support and prevention Communication campaigns School programs Programs for perpetrators

Source: Adapted from Moser et al. (2005) and Moser and Winton (2002).

### **Box 7.3. Crime and Violence Prevention Components in Bank-Financed Integrated Slum Upgrading Operations – Honduras Barrio-Ciudad Project**

The World Bank is supporting the operationalization of local crime and violence prevention in Honduras through the development of a specific project component in the Barrio Ciudad Project. The component seeks to take advantage of the infrastructure and social investments taking place and mainstream prevention at the local level into the overall project. In terms of the approaches described above, the component adopts an urban renewal approach complemented with a citizen security focus at the local level.

The component focuses specifically on the reduction of the high levels of homicide, youth violence, and associated risk factors in the participating barrios and municipalities. Particularly important are the synergies between infrastructure provision, upgrading, and situational prevention on the one hand, and community-based “social prevention” activities on the other. The overall objective is a comprehensive intervention at the neighborhood level that is closely coordinated with other relevant donor, government, and non-governmental programs addressing crime and violence and their associated risk factors in these neighborhoods. The component has five subcomponents:

- *Diagnostics*: Crime and violence mapping of the micro areas using police statistics and where possible using Geographical Information Systems (GIS); the victimization section in the baseline surveys; and, community-based and situational diagnostics.
- *Situational prevention*: measures that reduce opportunities for particular crime and violence problems through spatial interventions such as Crime Prevention Through Environmental Design (CPTED) methodology and urban renewal. This method is mainstreamed in the infrastructure works of the projects through the training of the architects, engineers and other technical staff. It includes the planning and installation of social infrastructure such as community centers, playing fields, and public lighting. This methodology is quite new in the LAC region but has been successfully piloted in countries such as Chile, Brazil, and Colombia.
- *Social Prevention*: support of both immediate mitigation and conflict resolution activities in addition to other preventive and capacity enhancement interventions that will have a medium- and long-term impact on levels of public safety. In particular, the component finances a menu of initiatives in four broad categories to be tailored to the individual needs of each community: (1) mediation and conflict resolution; (2) alternative livelihoods and skills development; (3) family support services; and (4) youth education and recreation.
- *Community and Municipal Liaison Officers*: The role of these technical experts in community organization, crime and violence prevention, and urban development is to strengthen municipal capacity and at the neighborhood level to: carry out community-based diagnostics; formulate participatory community and municipal safety plans and strategies; liaise and coordinate with other relevant agencies and associations, in particular with Community Safety Councils and the Police; coordinate closely with those designing infrastructure to ensure integration of CPTED principles; identify and work with at-risk youth in the community; organize and mobilize the community around the concept of safety through community campaigns (e.g. community clean-up/painting days, community safety festival, etc.); initiate additional projects such as summer camp for at-risk youth.
- *Monitoring and Evaluation component*: Evaluations of the components have been designed and will be carried out. While evaluation data from these Bank-financed projects are not yet available, similar community-based integrated interventions have yielded dramatic results.

#### 7.4 REGIONAL INITIATIVES TO ADDRESS CRIME AND VIOLENCE

The preceding chapters have made clear that many of the factors contributing to crime and violence in Central America—drug and weapons trafficking, migration, and deportees—transcend national boundaries. As such, they call for regional or international approaches and interventions that go beyond the local- or national-level responses described in the previous section.

Regional cooperation in combating transnational organized crime and drug trafficking requires a standardized legal regime. The internationally accepted vehicle for this standardization is the United Nations system of drugs and crime conventions, namely the three drug conventions (the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances) the Convention against Transnational Organized Crime (including the protocols on Trafficking in Persons, Smuggling of Migrants, and Illicit Manufacturing of and Trafficking in Firearms) and the Convention against Corruption. While every country in this region has ratified these conventions, compliance is much less than optimal.

Central America has undertaken several important steps to deal with emerging regional security issues. A range of institutions and instruments have been established in the sub-region to convert declarations into deeds, including the *Tratado Marco de Seguridad Democrática en Centroamérica* in 1995. All Central American countries are members of SICA – the Central American Integration System. Through this mechanism, countries have endorsed the *Guatemala Declaration for a Region Free of Corruption* (2006) and the *Code of Conduct on Arms Transfers* since 2005.<sup>79</sup> The *Code of Conduct*, in particular, calls on all parties to enhance licensing controls, end transfers to countries that might use weapons to commit human rights violations, ensure responsible transfers and respect for international humanitarian and human rights and sustainable development. In addition, the *Central American Small Arms Control (CASAC) Programme* was approved by the Security Commission of SICA on 19 December 2003 and is implemented by UNDP-Nicaragua. It is a trans-regional initiative designed to ‘establish a regional framework to strengthen the control of small arms and light weapons and contribute to reduce the incidence and potential of armed violence’ (see Box 5.x).

Thus, there have been serious efforts at the regional level to understand the factors driving crime and violence in Central America and to begin to formulate a regional policy response. These responses, however, are still in their infancy. For example, some drug interdiction activities have been carried out in coordinated fashion by various of the region’s police forces, but there is limited ongoing international cooperation. In the area of weapons control, regional collaboration in combating weapons trafficking has also been limited.

It is important to note that many of the issues facing Central America transcend regional boundaries as well. Demand for drugs emanates from Europe and the United States; drugs are trafficked mainly by Colombian and Mexican cartels; deportees are sent back to the region from the United States; many weapons that are trafficked are sourced from the United States.

No regional strategy in these areas can hope to succeed without significant support from the OECD countries, particularly the US. This support has frequently been lacking, especially for weapons control and deportees. Recently however, there is increasing recognition in the US that strategies to interdict the flow of drugs from south to north must be supported by greater efforts to restrict the flow of guns in the

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<sup>79</sup> This Code of Conduct was based on the Laureate’s Code of Conduct on Arms transfers (1997) and was drafted by Nicaragua in its capacity as President of SICA at the time. It should be noted that Costa Rica only approved the Code of Conduct in 2006.

reverse direction.<sup>80</sup> In the area of deportees, more can be undertaken by the US in order to minimize the negative impact of deportees on crime in Central America such as better notification and support for re-integration programs in Central America. These interventions have the potential not only to reduce crime in Central America, but also to put a dent in international crime syndicates as well as gangs that conduct business in the United States. Similarly, and as pointed out in the chapter on drugs, and as highlighted by the Latin American Commission on Drugs and Democracy (2009), Central American countries will require significant support from OECD countries to rethink the overall approach to drug policy, as their own resources are clearly overwhelmingly inadequate to take on the drug cartels, which in any case is likely to increase violence.

## 7.5 PRIORITY STEPS TO ACHIEVE REDUCTION IN CRIME AND VIOLENCE IN CENTRAL AMERICA

Central American governments have come to recognize that crime and violence are an important development issue. This is buttressed by the evidence in Chapter 2 which documents that crime and violence exact a serious toll on growth in Central American countries; conversely, reducing crime and violence will generate growth and reduce poverty. The implication is clear: **violence and crime reduction should be considered an important element of development policy making**—at the national, regional, and international levels. It therefore also means that crime and violence should be a key issue for the traditional development partners of these countries. To date, support in this area by the donor community has been somewhat piecemeal. Donors need to work closely with their Central American partners to coordinate action and assistance across a range of interventions.

In general, there has been an **over-reliance on the criminal justice approach, particularly ‘*mano dura*’ measures** to crime reduction in the region, to the detriment of other complementary approaches which can be effective in reducing certain types of crime and violence.

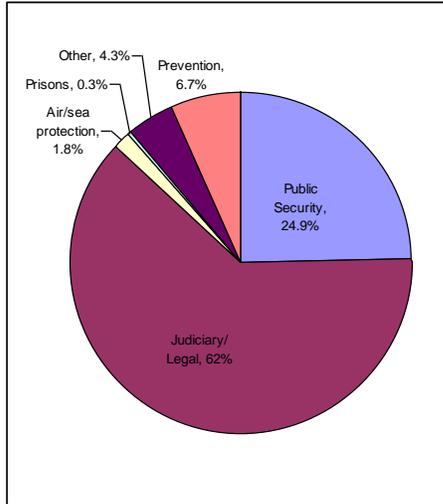
**A Public expenditure analysis on crime and violence prevention** in Costa Rica, Nicaragua, and Panama was undertaken for this study and confirms that preventive spending in Central America is relatively modest. In 2007, the three governments spent US\$160-460 million on public activities to combat and prevent crime and violence. This amount was equivalent to 1.8-2.9 percent of GDP. The analysis also reveals that there have been relatively few changes in traditional security spending over the past decade revealing **substantial budget inertia** and suggesting that any policy changes that may have taken place in this period had limited budgetary implications. The estimates for preventive spending as a share of total spending for 2007 are as follows: Costa Rica (7%), Panama (4%), and Nicaragua (2%). See figures 7.2-7.6 below and Annex 7. Please note that while the classification of security sector institutions’ spending was relatively straightforward, the identification of preventive security spending constituted a major challenge. Estimates of preventive spending should therefore be considered as indicative rather than precise measures and some (unknown) error margins may be present.

In 2007, the Government of Costa Rica spent around 250 billion colones (US\$ 450 million) on public security. This amount was equivalent to 3.9 percent of Central Government spending or 1.8 percent of GDP. The majority of these resources, 93.3 percent, were devoted on traditional security activities, including more than half on the Ministry of Justice and the Judiciary. A quarter was spent on Ministry of Public Security which hosts the National Police Force.

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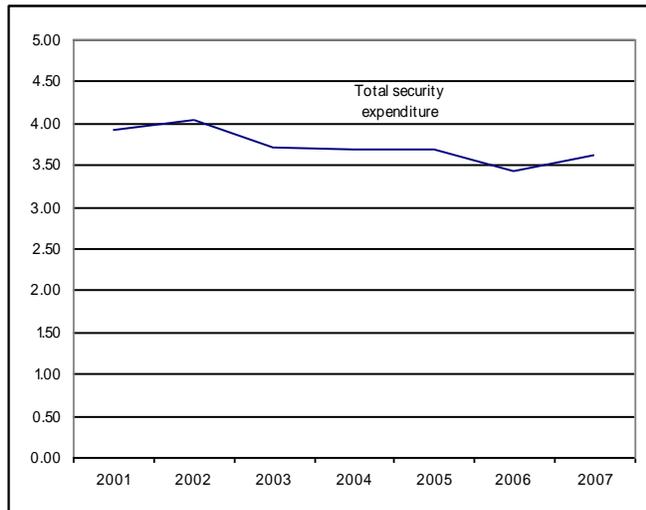
<sup>80</sup> CNN, March 26, 2009; New York Times, March 25, 2009.

**Figure 7.1. Security Expenditure, 2007 (%)**



Source: Annex 7. Note: % of total.

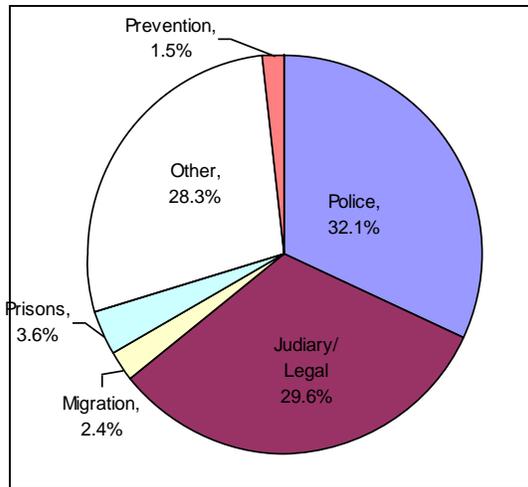
**Fig. 7.2. Security spending as a share of total spending (%)**



Source: Annex 7. Note: excludes preventive spending.

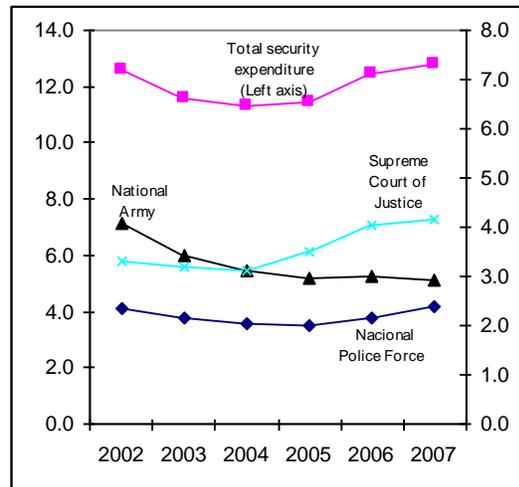
In Nicaragua security spending totaled C\$ 3,090 million (US\$ 160 million) in 2007. This amounts to 12.9 percent of Central Government spending or 2.9 percent of GDP – which is relatively high for Central America. The biggest spending categories are the National Police and the Supreme Court (each with around a third of the total). Prevention is estimated at 1.5 percent of total security spending.

**Figure 7.3. Security Expenditure, 2007 (%)**



Source: Annex 7

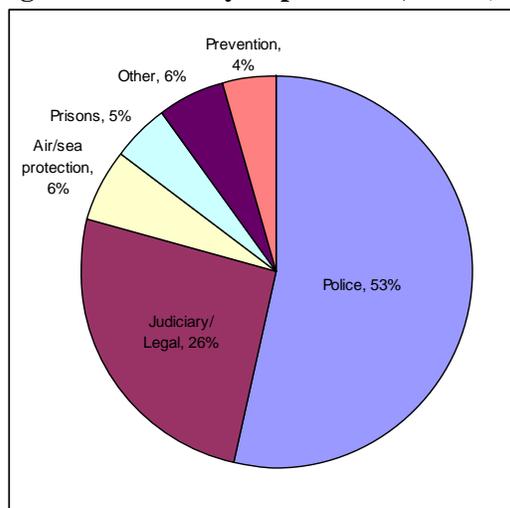
**Figure 7.4. Shares of total Gov. expenditure (%)**



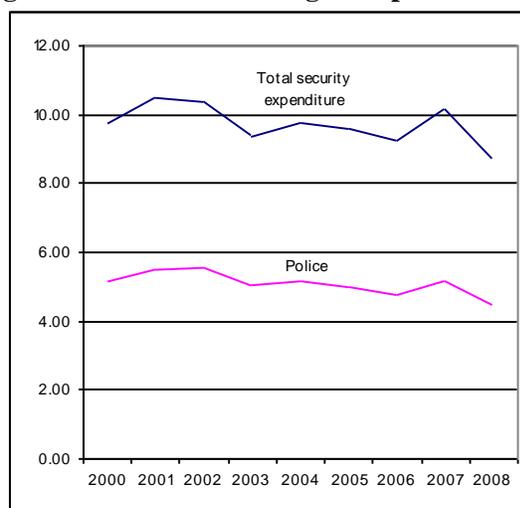
Source: Annex 7. Note: Use right axis (except total)

In 2007, the Government of Panama spent an estimated US\$370 million to combat crime and violence. This amount was equivalent to 10.6 percent of Central Government spending or 1.9 percent of GDP. The majority of these resources, 95.6 percent, were devoted on traditional security activities, including close to half of them on the National Police.

**Figure 7.5. Security Expenditure, 2007 (%)** **Figure 7.6. Shares of total gov. expenditure (%)**



Source: Annex 7



Source: Annex 7

Over the last few years, however, most countries in the region are increasingly open to investing in different approaches. At the same time, it is also crucial to note that certain types of crime and violence—in particular, organized crime and drug trafficking—are largely impervious to prevention approaches; a criminal justice-focused approach and potential drug policy changes are essential in dealing with them.

## 7.6 RECOMMENDATIONS AT THE NATIONAL LEVEL

This report will not make detailed recommendations at the national level as the region is far too heterogeneous for one-size-fits-all recommendations for interventions. The chapters in this study, however, do provide sufficient evidence to make a few key recommendations that can guide policy making. These recommendations are valid for both those countries in the region that are already experiencing high levels of crime and violence as well as for those that are seeing relatively low, but rising, levels of crime and violence.

1. This report has culled many different sources of data to present as comprehensive a picture as possible of crime and violence in the Central America. Yet it is clear that there are major **data gaps that hinder policy making** at both national and regional levels. Chief among them are **information systems** that allow policy makers (and citizens) to track crime trends and gauge the impact of interventions. Also important are **victimization surveys**, undertaken at regular intervals, which permit comparison of crime levels both over time and across countries. Victimization data is essential, both to design interventions and to hold policy makers accountable for the results of their strategies to reduce crime and violence. Violence against women has become more visible in many regions of the world due to the collection of data from internationally validated, specialized victimization surveys.
2. Good policy making to reduce crime and violence does not happen by accident. **National crime reduction plans** and the establishment of **national crime commissions** to ensure multi-sectoral collaboration are an essential step. National plans allow for cross-sectoral collaboration and serious discussions about the priorities in resource allocation; equally importantly, they offer a vehicle for the involvement of civil society organizations, where much of the expertise in violence prevention resides. While some countries already have multi-sectoral crime reduction plans in place, others have not. Preparation of a national plan should be a priority in these countries.

3. National crime reduction plans should recognize the **complementarity of violence/crime prevention and control**. The issue is not of prevention *versus* control, but rather the appropriate mix for local conditions. It is important to recognize that not all prevention interventions have long gestation periods and not all control interventions will have immediate impacts.

**Box 7.4. Costa Rica’s National Plan for the Prevention of Violence and the Promotion of Social Peace, 2007-2010**

The main objectives of the Plan are to focus on the risk factors associated with criminal and violent behaviors; to mitigate the feeling of insecurity; and to increase social capital by creating community prevention networks. The Plan’s components include: (i) Information System on Violence and Criminality (SISVI—*Sistema de Información sobre Violencia y Delito*); (ii) communication campaigns promoting a culture of peace; and (iii) programs directed towards at-risk youth and youth in conflict with the law. The Plan is implemented by the Ministry of Justice; the National Commission for the Prevention of Violence and Promotion of Social Peace (CONAPAZ); the General Directorate for the Promotion of Peace and Civic Coexistence (DIGEPAZ), and the National Prevention Network.

*Source: Belikow, Juan, “Inventory of Crime and Violence Programs in Central America,” 2009.*

4. The **reform of under-performing criminal justice systems and combating judicial corruption should be a priority**. Reform initiatives will have a greater probability of success if **information systems and associated performance measurement indicators** are used to chart progress in improving efficiency and quality of services and if attention is paid to ensuring that there is effective inter-institutional coordination among police forces, judges, prosecutors and public defenders. **Modernization of policing** through the use of information systems, community and problem-oriented policing is a key element of criminal justice sector reform.

5. **Youth and gang violence** is a particularly important issue in many countries. While there are a multitude of programs in the region to address youth violence, few if any have been subject to rigorous impact evaluation. At the same time, there is a wealth of information about what works in youth prevention in the U.S. and a few other developed countries. In the short run, regional policy makers could **borrow from this toolkit of proven programs** such as early childhood development and mentoring programs, interventions to increase retention of high-risk youth in secondary schools, and opening schools on after-hours and on weekends to offer youth attractive activities to occupy their free time. In the medium and long run, impact evaluations should systematically document what works in youth violence prevention in Central America.

## 7.7 RECOMMENDATIONS AT THE REGIONAL LEVEL

Good policy making at the national level is important but not enough. Many of the issues facing Central America transcend national boundaries and require a **coordinated regional response**. Important first steps have been taken with the creation of such regional institutions as SICA and CASAC, but much remains to be done in terms of funding these new institutions and ensuring that they have adequate staffing and effectively influence policy making at the national level.

Specific recommendations at the regional level include:

1. In the area of **deportees**, Central American governments should jointly negotiate with the US for more support for the reintegration of deportees. At a minimum, this support can take the form of improved coordination and information flows between departing agencies and receiving governments. More ambitiously, options for deporting nations (mainly the US) to fund deportee reintegration programs should be explored. With or without international financing, more services should be offered to reintegrate deportees, along the lines of those provided by the *The*

*Bienvenidos a Casa* (Welcome Home) program in El Salvador and the *Center for Attention for Returned Migrant* (CAMR) in Honduras. Serious studies on the issue of deportees are needed—both to quantify the impact of deportees on national crime rates, and to measure the cost-effectiveness of deportee reintegration programs.

2. The chapter on **drug trafficking** highlights the fact that Central American countries are transit and neither producer countries for cocaine nor significant consumers. The experiences of Mexico and Colombia, economic theory, and the historical record in the United States all suggest that an escalation of interdiction efforts—at any scale the Central American governments could mount, even with assistance from abroad—would most likely increase levels of violence without diminishing the capacities of drug traffickers. Consequently, **marginal funds are more likely to reduce violence if devoted to crime prevention efforts and mitigating the damage from drugs**. Within the region, policies should focus on **strengthening criminal justice systems, limiting the availability of firearms and on providing meaningful alternatives to at-risk-youth**. Overall though, the current approach to drug policy needs to be rethought, as highlighted by the Latin American Commission on Drugs and Democracy.
3. **Gun ownership** is an outgrowth of the drug trade and in some countries an outgrowth of a history of civil wars. Within these environments which promote the demand for weapons, reducing gun ownership is a difficult undertaking. At the regional level, **coordination between law enforcement agencies on intelligence and interdiction and slowing the inflow of guns from the north** are important. At the national level or sub-regional level, better **implementation of existing gun laws on ownership, carrying, and trade of guns are key, particularly when carried out as part of a broader crime and violence reduction strategy**. Long run and sustained reduction in the demand for guns, however, will hinge on progress in combating violence associated with drug trafficking and on changing the cultural factors which increase the demand of young men for weapons.
4. In general, regional coordination will be essential to **minimize displacement effects**. Particularly in the area of drug trafficking, successful national efforts may lead to criminal activities being displaced to other countries in the region. If displacement is to be avoided, it is essential that **information be shared and that policies and interventions be coordinated**.

## 7.8 FINAL CONSIDERATIONS

The different approaches to crime and violence prevention outlined in the first section of this chapter mean that there are **multiple possible entry points to reduce crime and violence**. In one instance, the most promising approach may be in the context of a slum-upgrading project; in another, in the context of a reform of the health service; in a third, in the context of a reform of the criminal justice system. There is no one “ideal” approach. The common denominator is that successful interventions are **evidence-based**, starting with a clear diagnostic about types of violence and risk factors, and ending with a careful evaluation of the intervention’s impact which will inform future actions.

In general, a successful approach at that national level will involve **multiple interventions**. Evidence from developed countries suggests that some of the most cost-effective prevention interventions focus on children and families. Since some of these may pay dividends only in the medium- to long-run, they must be complemented by interventions that can generate significant short-run reductions in crime and violence. Candidates in this latter group include integrated citizen security approaches (which, as seen above, combine modern methods of policing with prevention interventions undertaken by both government and non-governmental organizations), situational crime prevention, and programs which address the immediate needs of youth at high risk for violent or criminal behavior.

## ANNEXES

## ANNEX 1.1: REGRESSION RESULTS FROM ANALYSIS OF DRIVER OF HOMICIDES

Log of homicide rates				
	(1)	(2)	(3)	(4)
drug traffic warm spot	-0.315 [0.306]	-0.216 [0.333]	-0.257 [0.318]	-0.233 [0.300]
drug traffic hot spot	0.653 [0.325]*	0.701 [0.332]*	0.751 [0.321]*	0.647 [0.312]*
war incidence: moderate	0.141 [0.235]	0.139 [0.242]	0.108 [0.241]	0.056 [0.247]
war incidence: severe	-0.388 [0.228]+	-0.419 [0.221]+	-0.433 [0.220]+	-0.394 [0.222]+
war incidence: very severe	-0.388 [0.296]	-0.385 [0.279]	-0.443 [0.311]	-0.48 [0.307]
men age 0-14	0.585 [0.257]*	0.618 [0.262]*	0.472 [0.287]	0.501 [0.279]+
men age 15-34	0.934 [0.347]**	0.932 [0.341]**	0.829 [0.369]*	0.894 [0.370]*
men age 35-54	0.354 [0.371]	0.394 [0.364]	0.505 [0.375]	0.422 [0.361]
men age 55+	0.912 [0.597]	0.99 [0.595]	0.775 [0.637]	0.842 [0.617]
women age 0-14	0.472 [0.412]	0.517 [0.407]	0.433 [0.417]	0.536 [0.416]
women age 15-34	0.514 [0.284]+	0.557 [0.286]+	0.445 [0.297]	0.452 [0.293]
women age 35-54	0.669 [0.504]	0.668 [0.490]	0.558 [0.516]	0.729 [0.516]
female head	0.081 [0.035]*	0.089 [0.035]*	0.099 [0.037]**	0.082 [0.036]*
urbanicity	0.009 [0.008]	0.007 [0.009]	0.016 [0.010]	0.011 [0.010]
employment		0.029 [0.029]	0.032 [0.028]	0.019 [0.029]
years of education			-0.308 [0.179]+	-0.296 [0.191]
log income				0.736 [0.527]
theil index				-1.609 [1.418]
country fixed effects	yes	yes	yes	yes
Observations	90	90	90	90
R-squared	0.76	0.77	0.77	0.78
Joint test of war incidence				
F-stat (3,70)	0.92			
p-value	0.4363			

Robust standard errors in brackets. \*\*,\*,+ significant at 1,5,10 percent respectively.  
Source: Cuevas and Demombynes (2009).

## ANNEX 1.2: RISK FACTORS FOR DOMESTIC VIOLENCE

Table. Odds Ratios from Logit Regressions for the Probability of Having Experienced Intimate Partner Violence Since Age 15

	Honduras	Nicaragua	
<b>Woman's age</b>			
<i>15-19 R</i>			
20-29	-0.19	-0.67	**
30-39	-0.06	-0.48	
40-49	0.01	-0.42	
<b>Age at marriage</b>			
<i>Before 15 R</i>			
15-19	-0.36	***	-0.51 ***
20-24	-0.62	***	-1.17 ***
25+	-1.49	***	-2.09 ***
<b>Father beat mother</b>	N/A	0.39	***
<b>Total children ever born</b>	0.05	**	0.14 ***
<b>Woman's education in single years</b>	-0.03	**	0.03
<b>Partner's education</b>			
<i>No education R</i>			
Incomplete Primary	0.12	0.1	
Incomplete Secondary	-0.17	-0.2	
Complete Secondary		-0.13	
Higher		-0.29	
Secondary or Higher	-0.3		
<b>Drunk</b>			
<i>Never Drunk R</i>			
Sometimes Drunk	0.39	***	0.24 *
Frequently Drunk	1.21	***	0.85 ***
<b>Partner is employed</b>	-0.19		
<b>Partner's Occupation</b>			
White Collar		0.3	
Services/Skilled Manual		0.34	*
Unskilled Manual		0.34	
<b>Partner's Age Difference</b>			
<i>Husband is younger R</i>			
Wife 0-4 years <husb	-0.43	***	-0.33 **
Wife 5-9 years <husb	-0.44	***	-0.37 *
Wife 10-14 <husb	-0.53	***	-0.25
Wife 15+ years <husb	-0.42	**	-0.86 ***
<b>Decision about money</b>			
<i>Decide together R</i>			
Woman decides	0.18	**	0.12
Partner decides	0.23		0.91
Other decides	1.08		-0.14
<b>Wealth Index Quintiles</b>			
<i>Poorest R</i>			
Poorer	0.07		0.05
Middle	0.3	**	0.33
Richer	0.28	*	0.17
Richest	0.3		0.02
<b>Rural Residence</b>	-0.36	***	-0.07
Observations	4629		2068
R-squared	0.06		0.09

Source: Author's calculations, with Nicaragua DHS 1997/1998 and Honduras DHS 2005. Note: Variables followed by an "R" are the omitted categories for each variable.

\*significant at 10%, \*\*significant at 5%, \*\*\*significant at 1%

### ANNEX 1.3: CRIME DATA SOURCES FOR CENTRAL AMERICA

This is a description of all sources of data known to us on incidence of crime and violence and on crime and insecurity-related issues for Central America. For a clearer presentation, each source is described in relation to:

- (a) **Type of source:** survey data, official records
- (b) **Period covered:** years of available data
- (c) **Crime information:** type of crime, perceptions of insecurity, institutional performance (law enforcement, justice system)
- (d) **Coverage** (geographic representativity): national, rural/urban, regional

Sources have been classified into multi-country or international sources, and national sources. Within each category, sources are presented in alphabetical order.

#### ***MULTI-COUNTRY SOURCES***

##### **1. AmericasBarometer by Latin American Public Opinion Project (LAPOP)<sup>81</sup>**

###### **(a) Type of source**

Multi-national survey of voting-age adults collected by Vanderbilt University, with a sample size of around 1,500 individuals per country. The project is funded primarily by USAID, with the collaboration of IDB, UNDP and Vanderbilt University.

###### **(b) Period covered**

Latest available year: 2008. Comparable information for 2006, 2004.

###### **(c) Crime information**

The following information was collected in the latest round of the survey. The core of it was also collected in previous rounds.

Crime victimization:

- victim of any crime in last 12 months, violent and non-violent
- event reported to institutions, reason event not reported
- victim by type of crime: armed robbery, burglary, vehicle theft, fraud, sexual assault, aggravated assault (beaten, wounded by firearm or cutting object, received life-threat), kidnapping, homicide

Crime-related perceptions and reactions:

- perceptions of insecurity
- reactions to insecurity: changed habits, changed residency, closed business, changed employment, invested in protection
- confidence, trust on capacity of institutions: police, justice
- perceptions regarding maras and gangs
- perceptions regarding illegal drugs sales
- subjective valuation, willingness to pay to insure against risk of crime
- approval of justice into one's own hands, in general and in particular situations
- approval of *mano dura* approach
- approval of authorities not respecting rule of law to capture criminals
- experience with corruption (bribes) with police, courts
- approval of military government by *coup de etat* to stop crime

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<sup>81</sup> [www.lapopsurveys.org/](http://www.lapopsurveys.org/)

**(d) Coverage**

All Central American countries surveyed in 2008, information representative at:

- national level
- urban / rural area
- regional divisions

**2. Demographic and Health Surveys (DHS)**

**(a) Type of source**

Household survey data.

**(b) Period covered**

Various years.

**(c) Crime information**

Domestic violence against women: physical mistreatment, abused by partner.

**(d) Coverage**

Honduras, 2005. Nicaragua, 1997/1998.

**3. Latinobarómetro<sup>82</sup>**

**(a) Type of source**

Latinobarómetro is a public opinion survey fielded in 18 countries of Latin America with a sample size of around 1,100 individuals per country. It is collected by Corporación Latinobarómetro, with the support of multiple multilateral organizations, governments and private sector.

**(b) Period covered**

Annual data for 1995-2007.

**(c) Crime information**

Crime and crime-related information:

- has respondent or a relative been robbed, assaulted or been victim of a crime in last 12 months
- cannot separate by type of crime
- perception on the evolution of delinquency
- fear of violent crime

**(d) Coverage**

Information available for all Central American countries, figures representative at the national level.

**4. International Crime Victims Survey (ICVS)<sup>83</sup>**

**(a) Type of source**

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<sup>82</sup> <http://www.latinobarometro.org/>

<sup>83</sup> <http://rechten.uvt.nl/icvs/>, and <http://www.unicri.it/wwd/analysis/icvs/index.php>

The ICVS is a household-type survey, born as a European initiative—and extended to developing countries by the UN—with the goal of producing crime statistics that can be used for international comparisons. More than 320,000 thousand individuals in 78 countries have been interviewed since its first round.

**(b) Period covered**

The ICVS has five rounds of data so far: 1989, 1992, 1996, 2000, 2004/2005. The sixth wave is planned for 2009.

**(c) Crime information**

Crime information:

- victimization by type of crime: theft, burglary, robbery, sexual offences, assault, fraud, street level corruption
- incident information: location, time and frequency of event
- weapon information: weapon present, type of weapon and whether actually used
- reporting to the police
- need for victim support (burglary and violent crimes)

Crime-related data:

- perceptions and fear of crime and violence
- attitudes towards law enforcement

**(d) Coverage**

The only Central American locations that took part in ICVS are Costa Rica and Panama City. The former was included in the 1992 and 1996/97 rounds, the latter in the 2000 wave.

**5. Observatorio Centroamericano sobre Violencia<sup>84</sup>**

**(a) Type of source**

The OCAVI is a multi-institutional international initiative to promote knowledge and policies for crime reduction. In terms of data, OCAVI compiles statistics from official reports and administrative records.

**(b) Period covered**

Multiple years.

**(c) Crime information**

OCAVI systematizes the information under the following four umbrella categories:

- Incidence of common crimes: homicide, robbery, assault, sexual abuse, domestic violence.
- Incidence of organized crime: kidnapping, drug-trafficking, money laundering, extortion, human trafficking.
- Crime risk factors: social capital measures, family dysfunctionality factors, individual characteristics, societal aspects.
- Insecurity and victimization perceptions and attitudes.
- Public and private institutional responses.

**(d) Coverage**

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<sup>84</sup> [www.ocavi.com](http://www.ocavi.com)

All Central American countries are part of OCAVI, but availability of information varies substantially by country.<sup>85</sup>

## **6. United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (CTS)<sup>86</sup>**

### **(a) Type of source**

Cross-national compilation of crime statistics based on criminal incidents reported to the police and authorities of a country.

### **(b) Period covered**

Latest available year: 2005/2006 (tenth wave). There are nine earlier rounds that go back to 1970s.

### **(c) Crime information**

Country reports are divided in 4 sections, covering the different components of criminal justice system: Police, Prosecution, Courts, Prisons. In addition, information on selected variables (e.g. homicides) is processed by UNODC for quality controls and consistency checks.

Police:

- counts and rates of intentional homicides, completed, total and with firearm
- police personnel and financial resources
- crimes recorded in criminal (police) statistics, by type of crime: homicide, assault, rape, robbery, theft, burglary, fraud, drug crimes, drug trafficking, bribery, kidnapping, human trafficking, organized crime.

Prosecution:

- prosecution personnel and financial resources
- persons prosecuted by sex and age

Courts:

- judges and financial resources
- persons brought before criminal justice
- conviction rates, duration of trial
- persons convicted, by sex and age

Prisons:

- number of prisons and penal institutions, adult and juvenile
- prison's staff and financial resources
- persons imprisoned, by sex and age

### **(d) Coverage**

All Central American except Guatemala and Honduras are in the latest CTS, with information at national and largest city levels.

## **7. United Nations International Homicide Statistics (IHS)<sup>87</sup>**

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<sup>85</sup> There is no information on homicides in Guatemala, Nicaragua, Costa Rica for years 2007 and 2008, there is 2007 information for Panama, and there is 2007 and 2008 information for El Salvador and Honduras.

<sup>86</sup> <http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>

<sup>87</sup> <http://www.unodc.org/unodc/en/data-and-analysis/ihs.html>

**(a) Type of source**

The IHS dataset compiles data on intentional homicides for 198 countries or territories, drawing from data provided to the CTS, from international public health sources, and from national criminal justice institutions.

**(b) Period covered**

Only available year: 2004.

**(c) Crime information**

Intentional homicide rates

**(d) Coverage**

The IHS dataset has national statistics for all Central American countries.

**8. World Health Organization Mortality Database<sup>88</sup>**

**(a) Type of source**

The WHO Mortality database compiles information on causes of death reported by national public health institutions.

**(b) Period covered**

Multiple years. Latest available year varies by country.

**(c) Crime information**

Vital statistics on deaths caused by intentional homicides, by:

- sex
- age group

**(d) Coverage**

All Central American countries but Honduras have available information at the national level. Latest available year is 2005 for Costa Rica, El Salvador, and Nicaragua, and 2004 for Guatemala, and Panama.<sup>89</sup>

***NATIONAL SOURCES***

We present a summary of sources that we have had access to or used. There are sources like Guatemala's Procuraduría de Derechos Humanos or Honduras's Policía Nacional that we have chosen not to mention because we cannot know in detail enough information about them. In any case, many of them are accessible through multi-country sources such as CTS.

**COSTA RICA**

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**1. Population Statistics of Instituto Nacional de Estadística y Censo (INEC)<sup>90</sup>**

**(a) Type of source**

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<sup>88</sup> <http://www.who.int/healthinfo/morttables/en/index.html>

<sup>89</sup> Database accessed on March 5, 2009.

<sup>90</sup> <http://www.inec.go.cr/01EstadPoblacion/02defunciones/01defunciones.htm>

Vital statistics information on cause of death.

**(b) Period covered**

Multiple years. Latest available year is 2007.

**(c) Crime information**

Vital statistics on deaths caused by intentional homicides, by:

- sex
- age group
- canton, province

**(d) Coverage**

National and sub-national figures at the province and canton levels.

**2. Encuesta Nacional de Propósitos Múltiples (INEC and PNUD)<sup>91</sup>**

**(a) Type of source**

Household survey data.

**(b) Period covered**

1997 and 2008.

**(c) Crime information**

Victimization information by type of crime: robbery, theft, burglary.

Incident characteristics: aggression involved, frequency of event, report to police.

**(d) Coverage**

National and sub-national figures at the urban-rural and at the six planning region levels.

**EL SALVADOR**

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**1. Instituto de Medicina Legal (IML)<sup>92</sup>**

**(a) Type of source**

Official records. The IML compiles and processes death certificates from each municipality of the country. In addition, since 2005 the IML integrated its statistical system with the National Police and Attorney General's Office records, improving the quality of the data and avoiding miscounting of cases.

**(b) Period covered**

Annual data dating back to 1999. Latest available year 2007.

**(c) Crime information**

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<sup>91</sup> <http://www.inec.go.cr/botonesAccesoDir/01NuevasPublicaciones/01Set.htm> Data from this source became available when our report was already in its final draft version. Therefore we did not have a chance to incorporate it in the study.

<sup>92</sup> [http://www.csj.gob.sv/IML/iml\\_06A.htm](http://www.csj.gob.sv/IML/iml_06A.htm)

Homicide counts by sex and age groups.  
Information by type of weapon used.

**(d) Coverage**

National coverage and sub-national data on departments and municipalities.

## **GUATEMALA**

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**1. Vital Statistics (Instituto Nacional de Estadística, INE)<sup>93</sup>**

**(a) Type of source**

Official records, based on death certificates from each municipality of the country.

**(b) Period covered**

Annual data dating back to the 1980s. Latest available year 2006.

**(c) Crime information**

Homicide counts by sex and age groups.  
Information by type of weapon used.

**(d) Coverage**

National coverage and sub-national data on departments and municipalities.

**2. Encuesta Nacional de Condiciones de Vida (ENCOVI)<sup>94</sup>**

**(a) Type of source**

Household survey data.

**(b) Period covered**

2000 and 2006.

**(c) Crime information**

Victimization by types of crime for the preceding 12 months: robbery, burglary, theft. Reported by a household member for all members of the household.

**(d) Coverage**

Representative at the national level, and sub-nationally for the eight regional divisions.

## **HONDURAS**

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**1. Dirección Nacional de Medicina Forense**

**(a) Type of source**

Official reports.

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<sup>93</sup> <http://www.ine.gob.gt/index.php/demografia-y-poblacion/42-demografiaypoblacion/88-estadisticas-vitales>

<sup>94</sup> <http://www.ine.gob.gt/index.php/demografia-y-poblacion/42-demografiaypoblacion/64-encovi2006>

**(b) Period covered**

Annual data for 2002-2007.

**(c) Crime information**

Homicide counts.

**(d) Coverage**

National and department level data.

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**NICARAGUA**

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**1. National Police<sup>95</sup>**

**(a) Type of source**

Official police reports.

**(b) Period covered**

Statistics published annually, by semester and weekly. Available annual reports for 1998-2007.

**(c) Crime information**

Counts and rates of different types of crimes: robbery, theft, assault, homicide.

Policing statistics: supply of officers by area, by population, by offences.

Drug seizures.

Characteristics of victims and victimizers.

**(d) Coverage**

Statistics available at national and department levels.

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**PANAMA**

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**1. Ministerio Público de Panamá<sup>96</sup>**

**(a) Type of source**

Data from official reports.

**(b) Period covered**

Annual and monthly data for 2000-2007.

**(c) Crime information**

Counts and rates of homicides, by sex and age group.

**(d) Coverage**

National, and province-comarca data, plus information for the cities of Colón and Panamá.

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<sup>95</sup> <http://www.policia.gob.ni/cedoc/>

<sup>96</sup> <http://www.ministeriopublico.gob.pa/Estadisticas.aspx>

**Annex 5.1: National firearms legislation in Central American Countries**

	<b>Civilian rights to own and carry a weapon <i>with</i> proper authorisation</b>	<b>License required and duration</b>	<b>Age limit</b>	<b>Types of weapons</b>	<b>Number of weapons (per household, citizen, or license)</b>	<b>Prohibited places/ timeframes</b>
<b>Costa Rica</b>	X	X – Valid up to two years.  Special carrying permit exists for one year when person demonstrates life in extreme danger	18	Defence, sport, collection	No more than three weapons total?? for personal, family, and household	
<b>El Salvador</b>	X	X – Valid for five years.  Possession renewal every six years; Carrying weapons renewal every three years.	18	Defence, sport, collection	One license, up to 40 guns registered per citizen	Public buildings, parks, bars, gas stations. Prohibitions during specified holidays.
<b>Guatemala</b>	X	X – Valid for one year to carry. After three years	25	Defence, sport, collection	Up to three weapons per licence	

		clean record, license is valid for three years.				
<b>Honduras</b>	X	X – Valid for four years	18	Defence, sport, collection	Up to five weapons, except collector arms, per citizen	
<b>Nicaragua</b>	X	X – Valid for five years	21	Defence, sport, hunting, collection	Unlimited	Recreation/sport centers, religious buildings/temples, state/municipality buildings, hospitals, schools, universities Authorities have the right to prohibit weapons for specified holidays.
<b>Panama</b>	X	X – Valid for three years to carry weapons	Not specified	Weapons of calibre	Up to nine weapons per licence	No civilian weapons in public offices, commercial entities, diplomatic headquarters, consulates, or particular residences without prior authorization

Source: Arias Foundation 2005; DDA 2008 (Belize and Mexico).

**Annex 5.2. Estimated firearms distribution in 27 Latin America and Caribbean, 2007 \***

<i>country</i>	<i>Total est. Civilian</i>	<i>military</i>	<i>law enforcement</i>	<i>country totals</i>	<i>GDP 2005 USD</i>	<i>population 2005</i>
Antigua & Barbuda	5,300	340	240	5,880	8,910	79,000
Argentina	4,800,000	555,000	270,000	5,625,000	3,430	38,377,000
Bahamas	17,500	1,500	2,800	21,800	16,400	317,000
Barbados	15,000	2,080	1,050	18,130	9,965	271,000
Belize	22,500	3,000	1,000	26,500	3,090	259,000
Bolivia	216,000	30,000	36,000	282,000	859	8,980,000
Brazil	15,300,000	1,100,000	643,000	17,043,000	2,945	174,471,000
Chile	1,300,000	360,000	60,000	1,720,000	4,160	15,774,000
Colombia	2,700,000	535,000	95,000	3,330,000	1,919	43,000,000
Costa Rica	115,000	0	19,000	134,000	4,455	4,005,000
Cuba	540,000	1,500,000	44,000	2,084,000	2,670	11,299,000
Dominican Republic	470,000	30,000	21,000	521,000	1,910	8,739,000
Ecuador	460,000	135,000	12,000	607,000	2,080	13,029,000
El Salvador	450,000	90,000	17,000	557,000	2,260	6,533,000
Guatemala	1,950,000	100,000	22,000	2,072,000	2,010	12,307,000
Guyana	110,000	18,000	2,400	130,400	1,100	770,000
Haiti	190,000	0	14,800	204,800	331	8,400,000
Honduras	450,000	75,000	27,000	552,000	1,039	7,167,000
Jamaica	215,000	7,000	9,000	231,000	2,895	2,640,000
Mexico	15,500,000	640,000	21,500	16,161,500	6,115	102,291,000
Nicaragua	385,000	600,000	500,000	1,485,000	468	5,480,000
Panama	496,600	17,000	12,000	525,600		
Paraguay	720,000	40,000	15,000	775,000	1,035	5,643,000
Peru	750,000	216,000	170,000	1,136,000	2,270	27,148,000
Suriname	60,000	7,000	5,000	72,000	2,380	438,000
Trinidad & Tobago	20,100	5,300	5,600	31,000	7,840	1,300,000
Uruguay	850,000	140,000	30,000	1,020,000	3,295	3,380,000
Venezuela	2,500,000	320,000	130,000	2,950,000	3,340	25,549,000
<b>regional totals</b>	<b>50,602,100</b>	<b>6,515,880</b>	<b>2,186,150</b>	<b>59315744</b>		<b>527,567,000</b>

Estimates refer to *firearms only*, not all categories of SALW.

*Official firearms data* is given precedence. When such data is unavailable, estimates are used.

*Armed forces* totals are estimated from year of highest personnel levels (active + reserve) and a firearms multiplier of 1.9 or 2.5 per person, based on national military doctrine.

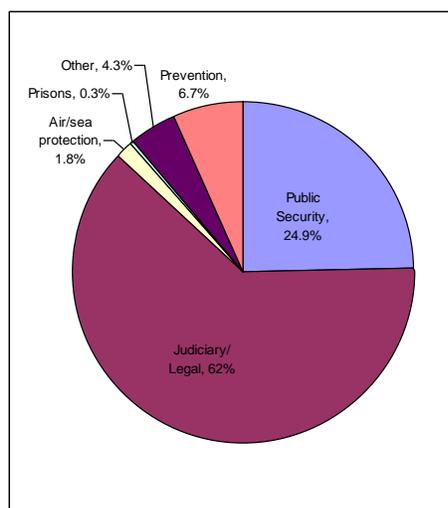
*Civilian totals* include both registered and unregistered firearms. Civilian totals are averaged from high and low expert estimates, with correlative estimates based on population and per capita wealth used when expert estimates are not available  
*Law enforcement* estimates are based on 1.2 firearms per sworn officer. Law enforcement estimates exclude smaller and secret security agencies, Estimates do not include non-state combatants

## Annex 7: Public Expenditure Analysis on Crime and Violence Prevention in Central America

### Costa Rica

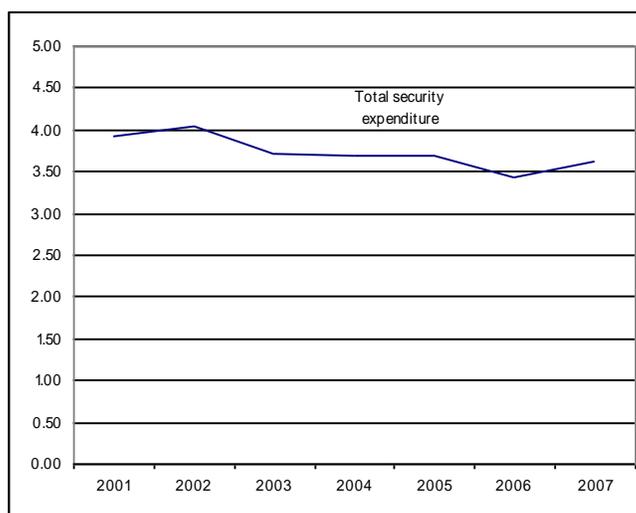
**Overview:** In 2007, the Government of Costa Rica spent around 250 billion *colones* (US\$ 450 million) on public security. This amount was equivalent to 3.9 percent of Central Government spending or 1.8 percent of GDP. The majority of these resources, 93.3 percent, were devoted on traditional security activities, including more than half on the Ministry of Justice and the Judiciary. A quarter was spent on Ministry of Public Security which hosts the National Police Force.

**Figure 1. Security Expenditure, 2007 (%).**



Source: Table 7.2. Note: % of total.

**Fig. 2. Security spending as a share of total spending (%).**



Source: Table 7.1. Note: excludes preventive spending.

**Trends:** There have been relatively few changes in the traditional security spending over the past seven years. All major spending categories have remained more or less constant – both as a share of GDP and as a share of total central government spending.

**Preventive spending:** The majority of prevention activities in Costa Rica focus on at-risk groups (secondary prevention). There are three substantial preventive programs outside the traditional security classification. First, the autonomous National Institute for Children (PANI) which oversees the implementation of the government's program for vulnerable children. Secondly, the institute for alcoholism and drug addiction which executes prevention, treatment and rehabilitation programs. Third, the Social Development and Family Allocation Fund which, amongst others, offer vocational training programs for youth. Preventive activities within the traditional security classification are relatively small in budgetary terms and include: (a) Drug demand control activities executed by the Anti-drug Institute (ICD); (b) citizen security activities undertaken in collaboration with the national police force<sup>97</sup>; (c) various coordination and prevention activities executed by the Ministry of Justice.

<sup>97</sup> The citizen security program is relatively small compared to other countries, such as Panama.

<b>Table 7.1 COSTA RICA: Central Government Expenditure on Security</b>							
<b>(Functional Classification)</b>							
<b>(In millions of Colones)</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Est. 2007</b>
<b>Police Services</b>							
Coast Guard	0	0	44	16	29	74	27
<b>Justice, Law and Order</b>							
Ministry of Justice	15,085	17,703	18,331	21,063	24,949	27,934	31,966
Judiciary	46,121	59,157	64,504	74,645	87,367	100,230	122,952
<b>Prison services</b>							
Prisons	2,534	1,425	664	1,526	2,580	2,667	829
<b>Other</b>							
Anti-drug Institute	61	548	471	745	1,315	1,064	1,375
Ministry of Governance	4,635	6,883	6,991	5,368	9,949	7,933	14,193
Ministry of Public Security	28,842	35,890	37,144	42,997	45,405	49,625	62,783
<b>Total</b>	<b>97,277</b>	<b>121,605</b>	<b>128,148</b>	<b>146,360</b>	<b>171,594</b>	<b>189,526</b>	<b>234,124</b>
<b>(Percent of GDP)</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Police Services</b>							
Coast Guard	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Justice, Law and Order</b>							
Ministry of Justice	0.28	0.29	0.26	0.26	0.26	0.24	0.24
Judiciary	0.85	0.98	0.92	0.92	0.92	0.87	0.91
<b>Prison services</b>							
Prisons	0.05	0.02	0.01	0.02	0.03	0.02	0.01
<b>Other</b>							
Anti-drug Institute	0.00	0.01	0.01	0.01	0.01	0.01	0.01
Ministry of Governance	0.09	0.11	0.10	0.07	0.10	0.07	0.10
Ministry of Public Security	0.53	0.59	0.53	0.53	0.48	0.43	0.46
<b>Total</b>	<b>1.80</b>	<b>2.01</b>	<b>1.84</b>	<b>1.80</b>	<b>1.80</b>	<b>1.65</b>	<b>1.73</b>
<b>(Percent of Central Government Expenditures)</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>Police Services</b>							
Coast Guard	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Justice, Law and Order</b>							
Ministry of Justice	0.61	0.59	0.53	0.53	0.54	0.50	0.50
Judiciary	1.87	1.97	1.87	1.89	1.88	1.81	1.91
<b>Prison services</b>							
Prisons	0.10	0.05	0.02	0.04	0.06	0.05	0.01
<b>Other</b>							
Anti-drug Institute	0.00	0.02	0.01	0.02	0.03	0.02	0.02
Ministry of Governance	0.19	0.23	0.20	0.14	0.21	0.14	0.22
Ministry of Public Security	1.17	1.20	1.08	1.09	0.98	0.90	0.97
<b>Total</b>	<b>3.93</b>	<b>4.05</b>	<b>3.72</b>	<b>3.70</b>	<b>3.69</b>	<b>3.42</b>	<b>3.63</b>
<b>Memorandum items</b>							
Nominal GDP	5,394,653	6,060,878	6,982,288	8,142,428	9,542,858	11,515,000	13,554,000
Central Government Expenditure	472,616	3,001,851	3,443,810	3,957,092	4,655,740	5,534,727	6,446,010

Source: Ministry of Finance, Budget Department and the IMF. Note: Executed expenditures.

<b>Table 7.2 Costa Rica: Central Government Expenditure on Security</b>					
<b>(Classification of Expenditure in 2007 by Category)</b>					
	Traditional Activities	-----Preventive Activities ----- Primary Secondary Tertiary (Population) (At-risk groups)(Rehabilitation)			Total Institutional
<b>A. Functional classification (from table 1.1)</b>					
<b>Police Services</b>					
Coast Guard	27	0	0	0	27
<b>Justice, Law and Order</b>					
Ministry of Justice 1/ Judiciary	31798 122952	168 0	0 0	0 0	31,966 122,952
<b>Prison services</b>					
Prisons	829	0	0	0	829
<b>Other</b>					
Anti-drug Institute 2/ Ministry of Governance	958 14193	0 0	417 0	0 0	1,375 14,193
Ministry of Public Security					
Central Activities	4471	0	0	0	4471
Anti-drug police	1695	0	0	0	1695
Citizen Security 3/ Territorial security (land and air)	51402 4491	750 0	0 0	0 0	52152 4491
<b>Sub-total, functional classification</b>	<b>232,816</b>	<b>918</b>	<b>417</b>	<b>0</b>	<b>234,151</b>
<b>Percent</b>	<b>99.4</b>	<b>0.4</b>	<b>0.2</b>	<b>0.0</b>	<b>100.0</b>
<b>B. Preventive activities not included in the official institutional classification of security expenditure</b>					
PANI (National Institute for Children) 4/ Institute for Alcoholism and Drug Addiction	0 0	0 0	11,911 2,219	0 0	11,911 2,219
FODESAF (Ministry of Labor), Development and Social Security	0	0	1,387	0	1,387
<b>Sub-total, outside functional classification</b>	<b>0</b>	<b>0</b>	<b>15,517</b>	<b>0</b>	<b>15,517</b>
<b>Percent</b>	<b>0.0</b>	<b>0.0</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>
<b>Total security expenditure</b>	<b>232,816</b>	<b>918</b>	<b>15,934</b>	<b>0</b>	<b>249,668</b>
<b>Percent</b>	<b>93.3</b>	<b>0.4</b>	<b>6.4</b>	<b>0.0</b>	<b>100.0</b>
<b>Percent of GDP</b>					<b>1.8</b>
<b>Percent of Central Government Expenditure</b>					<b>3.9</b>

1/ Includes: Vice-Minister's Office, DIGEPAZ, DINRAC and Dirección de Control y Calificación de Espectáculos Públicos.

2/ Preventive spending includes drug demand control.

3/ Estimate provided by Ministry of Public Security.

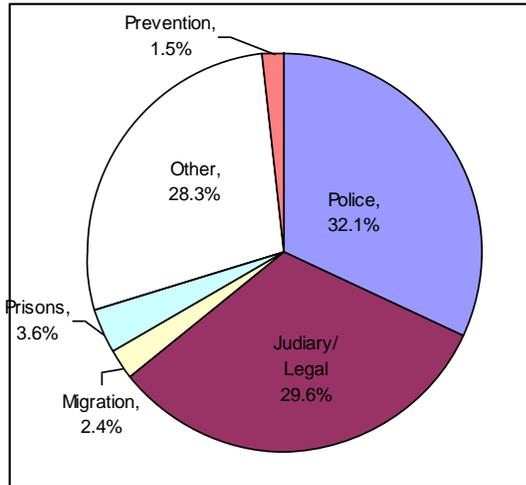
4/ Total expenditure included owing to lack of data. This results in some over-estimation of the preventive component.

Source: Government of Costa Rica

## 2. Nicaragua

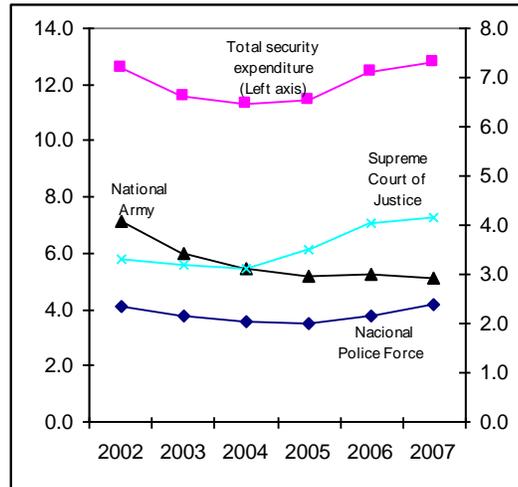
**Overview:** Security spending in Nicaragua totaled C\$ 3,090 million (US\$ 160 million) in 2007. This amounts to 12.9 percent of Central Government spending or 2.9 percent of GDP – which is relatively high for Central America. The biggest spending categories are the National Police and the Supreme Court (each with around a third of the total). Prevention is estimated at 1.5 percent of total security spending.

**Figure 3. Security Expenditure, 2007 (%).**



Source: Table 7.3

**Figure 4. Shares of total Gov. expenditure (%).**



Source: Table 7.3 Note: Use right axis (except total)

**Trends:** Total security spending (traditional) has been on the increase over the past 3 years, driven primarily by increased outlays to the Supreme Court and to the police (figure 2). The National Army, meanwhile, has experienced a budget reduction, in relative terms.

**Preventive spending:** The Government's *Citizen Security Program* provides the overall institutional framework for multi-agency crime prevention activities in Nicaragua. Secondary prevention – focusing on at-risk groups – predominate (1.3 percent of total security spending). This includes education, job training, sports, domestic violence and child/adolescent care programs. Two rehabilitation programs (tertiary prevention) focus on social reintegration of gang members and other young offenders. A public information program (primary prevention) finances a multi-media information campaign to raise public awareness of violence and prevention. Other preventive programs apart from the *Citizen Security Program*, include: drug/alcohol prevention activities of the National Drug Prevention Council and the Institute to Prevent Alcoholism and Drug addiction.

**Table 7.3 Nicaragua: Central Government Expenditure on Security**  
(Functional Classification)

(In millions of Córdobas)	2002	2003	2004	2005	2006	2007	Budget 2008
<b>Supreme Court of Justice</b>	<b>386.4</b>	<b>478.6</b>	<b>494.8</b>	<b>642.9</b>	<b>849.7</b>	<b>993.7</b>	<b>1,144.7</b>
<b>Ministry of Governance</b>	<b>625.7</b>	<b>724.9</b>	<b>767.2</b>	<b>862.1</b>	<b>1,020.0</b>	<b>1,266.9</b>	<b>1,340.0</b>
National Police Force	476.7	560.6	574.7	647.1	795.4	990.5	1,024.9
Migration	34.4	40.4	46.8	52.6	57.3	72.9	67.0
Prisons	56.7	55.2	68.1	87.6	96.3	110.8	115.1
<b>Ministry of Defense</b>	<b>484.4</b>	<b>528.0</b>	<b>514.7</b>	<b>560.7</b>	<b>650.5</b>	<b>717.4</b>	<b>809.2</b>
National Army	478.1	513.0	498.6	541.2	631.8	702.4	791.9
Central Activities	6.3	15.0	16.1	19.5	18.7	15.0	17.3
<b>Designations for Decentralized Entities</b>	<b>36.6</b>	<b>70.3</b>	<b>111.6</b>	<b>106.1</b>	<b>180.9</b>	<b>165.7</b>	<b>162.4</b>
<b>Total</b>	<b>1,475.1</b>	<b>1,733.1</b>	<b>1,810.7</b>	<b>2,096.8</b>	<b>2,630.1</b>	<b>3,050.9</b>	<b>3,323.5</b>
<b>(Percent of GDP)</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Supreme Court of Justice</b>	<b>0.67</b>	<b>0.77</b>	<b>0.70</b>	<b>0.79</b>	<b>0.91</b>	<b>0.94</b>	<b>0.93</b>
<b>Ministry of Governance</b>	<b>1.09</b>	<b>1.17</b>	<b>1.08</b>	<b>1.06</b>	<b>1.10</b>	<b>1.20</b>	<b>1.09</b>
National Police Force	0.83	0.90	0.81	0.79	0.86	0.94	0.84
Migration	0.06	0.07	0.07	0.06	0.06	0.07	0.05
Prisons	0.10	0.09	0.10	0.11	0.10	0.10	0.09
<b>Ministry of Defense</b>	<b>0.84</b>	<b>0.85</b>	<b>0.72</b>	<b>0.69</b>	<b>0.70</b>	<b>0.68</b>	<b>0.66</b>
National Army	0.83	0.83	0.70	0.66	0.68	0.66	0.65
Central Activities	0.01	0.02	0.02	0.02	0.02	0.01	0.01
<b>Designations for Decentralized Entities</b>	<b>0.06</b>	<b>0.11</b>	<b>0.16</b>	<b>0.13</b>	<b>0.19</b>	<b>0.16</b>	<b>0.13</b>
<b>Total</b>	<b>2.57</b>	<b>2.80</b>	<b>2.54</b>	<b>2.57</b>	<b>2.83</b>	<b>2.89</b>	<b>2.71</b>
<b>(Percent of Central Government Expenditures)</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Supreme Court of Justice</b>	<b>3.3</b>	<b>3.2</b>	<b>3.1</b>	<b>3.5</b>	<b>4.0</b>	<b>4.2</b>	<b>3.8</b>
<b>Ministry of Governance</b>	<b>5.3</b>	<b>4.9</b>	<b>4.8</b>	<b>4.7</b>	<b>4.8</b>	<b>5.3</b>	<b>4.4</b>
National Police Force	4.1	3.8	3.6	3.5	3.8	4.1	3.4
Migration	0.3	0.3	0.3	0.3	0.3	0.3	0.2
Prisons	0.5	0.4	0.4	0.5	0.5	0.5	0.4
<b>Ministry of Defense</b>	<b>4.1</b>	<b>3.5</b>	<b>3.2</b>	<b>3.1</b>	<b>3.1</b>	<b>3.0</b>	<b>2.7</b>
National Army	4.1	3.4	3.1	3.0	3.0	2.9	2.6
Central Activities	0.1	0.1	0.1	0.1	0.1	0.1	0.1
<b>Designations for Decentralized Entities</b>	<b>0.3</b>	<b>0.5</b>	<b>0.7</b>	<b>0.6</b>	<b>0.9</b>	<b>0.7</b>	<b>0.5</b>
<b>Total</b>	<b>12.6</b>	<b>11.6</b>	<b>11.3</b>	<b>11.4</b>	<b>12.5</b>	<b>12.8</b>	<b>11.0</b>
<b>Memorandum items</b>							
Nominal GDP	57,376	61,959	71,156	81,524	93,007	105,644	122,499
Central Government Expenditure	11,703	14,942	15,967	18,335	21,113	23,875	30,257

Source: Ministry of Finance, Budget Department and the IMF. Note: Executed expenditures.

**Table 7.4 Nicaragua: Central Government Expenditure on Security**  
(Classification of Expenditure in 2007 by Category)

(million córdobas)	Traditional Activities	-----Preventive Activities -----			Total Institutional
		Primary (Population)	Secondary (At-risk groups)	Tertiary (Rehabilitation)	
<b>A. Functional classification (from annex 3.1)</b>					
<b>Supreme Court of Justice</b>	<b>993.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>993.7</b>
<b>Ministry of Governance</b>	<b>1266.9</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1266.9</b>
National Police Force 1/ Administration	990.5 245.8	0.0 0.0	0.0 0.0	0.0 0.0	990.5 245.8
Strategic Crime Prevention Investigation	660.6 57.0	0.0 0.0	0.0 0.0	0.0 0.0	660.6 57.0
Citizen Security 3/ Migration	0.0 72.9	0.0 0.0	16.4 0.0	0.0 0.0	16.4 72.9
Prisons	110.8	0.0	0.0	0.0	110.8
<b>Ministry of Defense</b>	<b>717.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>717.4</b>
<b>Designations for Decentralized Entities</b>	<b>165.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>165.7</b>
<b>Sub-total, official functional classification</b>	<b>3023.9</b>	<b>0.0</b>	<b>16.4</b>	<b>0.0</b>	<b>3040.3</b>
<b>Percent</b>	99.5	0.0	0.5	0.0	100.0
<b>B. Preventive activities not included in the official institutional classification of security expenditure</b>					
<b>Citizen Security Program 2</b>					
Institutional Strengthening of MIGOB	18.5	0.0	0.0	0.0	18.5
Social prevention of Juvenile Violence Component	0.0	0.0	0.0	0.0	21.0
Education for Life	0.0	0.0	5.4	0.0	5.4
Job training & promoting youth employment (SEJUVE)	0.0	0.0	2.2	0.0	2.2
Positive use of free time (INJUDE)	0.0	0.0	2.4	0.0	2.4
Domestic violence control and prevention (INIM)	0.0	0.0	1.6	0.0	1.6
Prevention, care of children/adolescents at risk (PAINAR)	0.0	0.0	3.6	0.0	3.6
Social reintegration of gang members (SEJUVE/MIGOB)	0.0	0.0	0.0	4.0	4.0
Prevention of recidivism amongst juvenile delinquents	0.0	0.0	0.0	1.8	1.8
Public information	0.0	3.3	0.0	0.0	3.3
<b>Other preventive programs</b>					
National Drug Prevention Council	0.0	0.0	5.5	0.0	5.5
Institute to Prevent Alcoholism and Drug Addiction	0.0	0.0	1.8	0.0	1.8
<b>Sub-total, outside functional classification</b>	<b>18.5</b>	<b>3.3</b>	<b>22.4</b>	<b>5.9</b>	<b>50.0</b>
<b>Percent</b>	<b>37.0</b>	<b>6.5</b>	<b>44.8</b>	<b>11.7</b>	<b>100.0</b>
<b>Total</b>	<b>3042.4</b>	<b>3.3</b>	<b>38.8</b>	<b>5.9</b>	<b>3090.3</b>
<b>Percent</b>	<b>98.5</b>	<b>0.1</b>	<b>1.3</b>	<b>0.2</b>	<b>100.0</b>
<b>Percent of GDP</b>					<b>2.9</b>
<b>Percent of Central Government Expenditure</b>					<b>12.9</b>

1/ Sub-components for National Police Force were estimated on the basis of 2008 Budget shares

2/ A four-year investment program spread equally over 4 years. While indicative of spending outlays in the medium term this approach results in some over-estimation of actual 2007 spending.

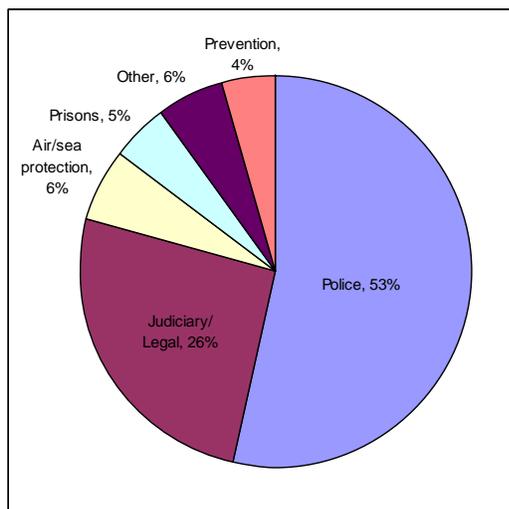
3/ Estimate. Part of the Citizen Security Program

Source: Budget Department, Ministry of Finance.

### 3. Panama

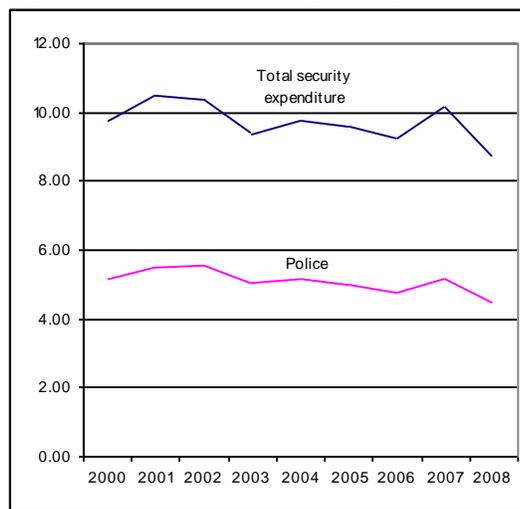
**Overview:** In 2007, the Government Panama spent an estimated US\$370 million to combat crime and violence. This amount was equivalent to 10.6 percent of Central Government spending or 1.9 percent of GDP. The majority of these resources, 95.6 percent, were devoted on traditional security activities, including close to half of them on the National Police.

**Figure 5. Security Expenditure, 2007 (%).**



Source: Table 7.6

**Figure 6. Shares of total gov. expenditure (%).**



Source: Table 7.5

**Trends:** There have been relatively few changes in the traditional security spending over the past decade revealing substantial budget inertia and suggesting that any policy changes that may have taken place in this period had limited budgetary implications. Nevertheless, security spending has been experiencing a slightly decreasing trend as a share of the total budget (and of GDP), owing mainly to a reduction in the budget of the National Police. The budget for the national prisons system increased marginally.

**Preventive spending** is estimated at around 4.4 percent of total security spending in 2007. Most of these resources (4.0%) are directed towards primary prevention targeting vulnerable segments of the population. Secondary prevention, which targets at-risk groups, is limited to three programs and (0.1%) focusing on assistance for gang members and job training. Spending on tertiary programs (0.3%) is similarly limited to three programs with around half of it devoted to rehabilitation of prison infrastructure. Preventive activities in Panama are dominated by the IDB-supported (5 year, US\$25.1 million) Comprehensive Security Program (PROSI) which accounts for about three quarters of preventive spending. The Program, which receives 10 percent counterpart funding from the Government, is executed by the key agencies engaged in prevention in Panama, namely the Ministries of Education, Social Development, Governance and Justice (Police), National Institute of Sports, National Institute of Culture and selected municipalities.

<b>Table 7.5 PANAMA: Central Government Expenditure on Security</b>									
<b>(Institutional Classification)</b>									
<b>(In millions of Balboas)</b>									
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Ministry of the President</b>									
National Council of Defense and Security	1.8	2.1	2.3	2.4	3.0	2.4	2.9	4.0	4.7
Institutional Protection Service	6.8	10.1	10.2	7.7	11.7	8.5	10.7	11.2	11.8
<b>Ministry of Government and Justice</b>									
Migration	3.0	3.1	2.3	3.5	3.0	3.4	3.8	3.9	3.6
Prisons	9.6	9.8	10.9	8.6	11.6	11.3	11.4	16.8	22.3
National Police	115.9	125.5	127.8	126.0	144.3	141.1	153.0	179.8	198.1
Territorial Protection	14.3	13.3	12.6	14.1	14.0	20.7	23.6	22.8	21.9
<b>Judiciary</b>	<b>33.2</b>	<b>35.8</b>	<b>33.8</b>	<b>33.6</b>	<b>39.0</b>	<b>37.8</b>	<b>43.3</b>	<b>56.8</b>	<b>60.9</b>
<b>Ministry of Public Services</b>									
Legal Services	22.1	24.4	25.5	23.1	31.1	28.9	29.2	39.1	38.9
Police investigations unit	12.8	15.7	14.0	14.0	15.9	17.3	19.3	20.5	22.8
<b>Total</b>	<b>219.6</b>	<b>239.7</b>	<b>239.4</b>	<b>233.0</b>	<b>273.8</b>	<b>271.4</b>	<b>297.2</b>	<b>354.8</b>	<b>385.0</b>
<b>(Percent of GDP)</b>									
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Ministry of the President</b>									
National Council of Defense and Security	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Institutional Protection Service	0.06	0.09	0.08	0.06	0.08	0.06	0.06	0.06	0.05
<b>Ministry of Government and Justice</b>									
Migration	0.03	0.03	0.02	0.03	0.02	0.02	0.02	0.02	0.02
Prisons	0.08	0.08	0.09	0.07	0.08	0.07	0.07	0.09	0.10
National Police	1.00	1.06	1.04	0.97	1.02	0.91	0.89	0.91	0.85
Territorial Protection	0.12	0.11	0.10	0.11	0.10	0.13	0.14	0.12	0.09
<b>Judiciary</b>	<b>0.29</b>	<b>0.30</b>	<b>0.28</b>	<b>0.26</b>	<b>0.28</b>	<b>0.24</b>	<b>0.25</b>	<b>0.29</b>	<b>0.26</b>
<b>Ministry of Public Services</b>									
Legal Services	0.19	0.21	0.21	0.18	0.22	0.19	0.17	0.20	0.17
Police investigations unit	0.11	0.13	0.11	0.11	0.11	0.11	0.11	0.10	0.10
<b>Total</b>	<b>1.89</b>	<b>2.03</b>	<b>1.95</b>	<b>1.80</b>	<b>1.93</b>	<b>1.76</b>	<b>1.73</b>	<b>1.80</b>	<b>1.64</b>
<b>(Percent of Central Government Expenditures)</b>									
	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Ministry of the President</b>									
National Council of Defense and Security	0.08	0.09	0.10	0.10	0.11	0.09	0.09	0.11	0.11
Institutional Protection Service	0.31	0.44	0.44	0.31	0.42	0.30	0.33	0.32	0.27
<b>Ministry of Government and Justice</b>									
Migration	0.13	0.13	0.10	0.14	0.11	0.12	0.12	0.11	0.08
National Police	0.43	0.43	0.47	0.35	0.41	0.40	0.35	0.48	0.50
Prisons	5.17	5.48	5.54	5.07	5.14	4.99	4.76	5.14	4.48
Territorial Protection	0.64	0.58	0.55	0.57	0.50	0.73	0.73	0.65	0.50
<b>Judiciary</b>	<b>1.48</b>	<b>1.56</b>	<b>1.47</b>	<b>1.35</b>	<b>1.39</b>	<b>1.34</b>	<b>1.35</b>	<b>1.62</b>	<b>1.38</b>
<b>Ministry of Public Services</b>									
Legal Services	0.98	1.07	1.10	0.93	1.11	1.02	0.91	1.12	0.88
Police investigations unit	0.57	0.69	0.61	0.57	0.57	0.61	0.60	0.59	0.52
<b>Total</b>	<b>9.79</b>	<b>10.46</b>	<b>10.38</b>	<b>9.38</b>	<b>9.75</b>	<b>9.59</b>	<b>9.25</b>	<b>10.15</b>	<b>8.70</b>
<b>Memorandum items</b>									
Nominal GDP	11,621	11,808	12,272	12,933	14,179	15,465	17,134	19,740	23,424
Central Government Expenditure	2,244	2,291	2,307	2,483	2,808	2,830	3,212	3,495	4,427

Source: Ministry of Finance, Budget Department and the IMF. Note: Executed expenditures.

**Table 7.6 PANAMA: Central Government Expenditure on Security**

(Classification of Expenditure in 2007 by Category)

A. Institutional classification (from table 1.1)	-----Preventive Activities -----				Total Institutional
	Traditional Activities	Primary (Population)	Secondary (At-risk groups)	Tertiary (Rehabilitation)	
<b>Ministry of the President</b>					
National Council of Defense and Security	3,958,350	0	0	0	3,958,350
Institutional protection service	11,220,242	0	0	0	11,220,242
<b>Ministry of Government and Justice</b>					
Migration	3,868,628	0	0	0	3,868,628
Prisons	16,797,688	0	0	0	16,797,688
National Police 1/	176,713,962	3,051,738	0	0	179,765,700
Territorial protection (air and sea)	22,762,554	0	0	0	22,762,554
<b>Judiciary</b>					
	56,778,063	0	0	0	56,778,063
<b>Ministry of Public Services</b>					
Legal services	39,132,952	0	0	0	39,132,952
Police investigation unit	20,474,929	0	0	0	20,474,929
<b>Sub-total, institutional classification</b>	<b>351,707,368</b>	<b>3,051,738</b>	<b>0</b>	<b>0</b>	<b>354,759,106</b>
<b>Percent</b>	<b>99.1</b>	<b>0.9</b>	<b>0.0</b>	<b>0.0</b>	<b>100.0</b>
<b>B. Preventive activities not included in the official institutional classification of security expenditure</b>					
<b>Non-IDB Programs 2/</b>					
MIDES (unspecified)	0	4,827,500	0	0	0
Sports and culture project (MIDES)	0	75,000	0	0	0
Job training program (MIDES)	0	0	238,350	0	0
Rehabilitation program, Tocumen (MIDES)	0	0	0	404,850	0
MEDUCA (unspecified)	0	831,283	0	0	0
Crime prevention program (MEDUCA)	0	75,000	0	0	0
Municipalities		3,639,800			
<b>IDB: Comprehensive Security Program 3/</b>					
Institutional strengthening	1,783,000	0	0	0	0
Working Together for a Violence-free Community. Public school program.	0	446,000	0	0	0
Sports and cultural infrastructure	0	1,072,200	0	0	0
Promotion of sports and cultural activities	0	543,600	0	0	0
Preventive programs by National Police	0	45,000	0	0	0
Youth counseling and guidance centers	0	47,400	0	0	0
Strengthening of the domestic abuse prevention and response system.	0	87,000	0	0	0
Assistance for gang members	0	0	226,800	0	0
Drop-in center for gang members	0	0	14,600	0	0
Strengthening the model for comprehensive assistance for inmates in detention centers	0	0	0	242,900	0
Rehabilitation of Tocumen Detention Center	0	0	0	454,600	0
<b>Sub-total, preventive</b>	<b>1,783,000</b>	<b>11,689,783</b>	<b>479,750</b>	<b>1,102,350</b>	<b>15,054,883</b>
<b>Percent</b>	<b>11.8</b>	<b>77.6</b>	<b>3.2</b>	<b>7.3</b>	<b>100.0</b>
<b>Total security expenditure</b>	<b>353,490,368</b>	<b>14,741,521</b>	<b>479,750</b>	<b>1,102,350</b>	<b>369,813,989</b>
<b>Percent</b>	<b>95.6</b>	<b>4.0</b>	<b>0.1</b>	<b>0.3</b>	<b>100.0</b>
<b>Percent of GDP</b>					<b>1.9</b>
<b>Percent of Central Government Expenditure</b>					<b>10.6</b>

Source: Government of Panama and IDB (2005). Notes: 1/ Preventive component assumed same as in 2005. 2/ Based on 2005 survey of the IDB. Unspecified components are classified as primary prevention owing to lack of information.

3/ A five-year investment program spread equally over 5 years. While indicative of spending outlays in the medium term this approach results in some over-estimation actual 2007 spending.

### Note on Methodology and Definitions

1. The Governments were asked to prepare a table of *executed* central government expenditure devoted to the combat of crime and violence for the period 2000-07, including the 2008 budget.
2. This information is presented in Tables 7.1, 7.3, and 7.5 under *Functional Classification*, with some minor modifications which mostly relate to excluding expenditure categories which are not directly related to the theme of this report (firefighter services is a good example). Expenditure trends are calculated as a share of total central government spending and of GDP.
3. While the institutional classification was relatively straightforward, the identification of preventive security spending constituted a major challenge. Estimates of preventive spending should therefore be considered as indicative rather than precise measures and some (but unknown) error margins may be present. Due to the difficulty in estimating preventive spending, this exercise was only undertaken for the most recent year for which data was available (2007). There was some indication that preventive spending fluctuates more than traditional spending. In some cases, this led to the use of expenditure smoothing through the use of averages rather than the use of point estimates for any given year. The following approach was taken:
  - a. The preventive component in the institutional classification for security spending was estimated on the basis of interviews with key stakeholders. This component turned out to be relatively small.
  - b. Preventive programs outside the institutional classification was also identified by key stakeholders. Expenditure data for these programs were subsequently requested from the budget department of the Ministry of Finance.
  - c. In some cases, such as Panama, the public financial management system was not sufficiently disaggregated to identify specific projects or programs. Expenditure data was then estimated through the use of secondary sources. Regrettably, this leads to a situation where an inventory of existing programs could be developed, but were the corresponding budget information could not always be established.
4. Definitions:
  - a. **Traditional security activities.** While police measures to apprehend criminals, more successful prosecution, and longer sentences for convicted criminals (control measures) can also contribute to the prevention of future crime through a deterrence effect, these types of activities are classified here as ‘traditional’.
  - b. **Preventive activities**, by contrast, are aimed at preventing the criminal act from taking place by addressing the socio-economic causes of crime. Primary prevention focuses on the population as a whole. Secondary prevention targets at-risk individuals and groups. Tertiary prevention (or rehabilitation) focuses on preventing recidivism of those who have already committed violent or criminal acts.

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