# Opening spaces to citizen security and human development

## Human Development Report for Central America

**HDRCA, 2009-2010**

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## ACKNOWLEDGMENTS

# Contents

# Foreword

Citizen security has become one of the main concerns of the population throughout Latin America and the Caribbean, and it is an objective obstacle to sustainable human development. People and communities see their life and their organizational options restricted by the threats against personal and patrimonial security, as well as against fundamental public goods. This Human Development Report for Central America tackles the problem from an integral perspective. Its central message is that the extended insecurity of citizens *does* have solution and such solution is feasible. The partial strategies based upon a re-pression –only or a prevention– only notion, that also fail to be coherent with the demands of justice and with the values of civility have failed. Harsh hand and soft hand, *mano dura* and *mano blanda* must yield way to *mano inteligente* (intelligent hand) and to a strategy of citizen security for human development.

A human development based strategy calls for actions that provide effective security for all, with free-dom, equity, and respect for civil liberties. Effective security means cutting down on the crime rates and on the risk of being the victim of crime. Security with freedom implies that the protection of all citizens leads to the absence of fear and to their all been able to fully develop their capabilities. The alleged authors of crimes should also be free from abuses, and their rights should be fully protected shall they be subject to trail and legal sentencing. And, finally, security with equity is universal protection of all citizens, not just of those able to pay for it.

To launch a security strategy that is consistent with human development requires that the stiles to support it be made up of a credible, effective and legitimate set of institutions, and that mechanisms or forces exist for attraction towards goals shared by all of society. That institutional set can only be provided by a State that fulfils all of its basic functions fully and efficiently. Citizen security for human development, in democracy, strengthens social cohesion and in its turn requires realistic and tangible advances in the construction of a new civility.

Human development is based in widening of the life options and the effective liberties of people, in-dependently of their circumstances. Citizen security is therefore a necessary component of any strategy for human development. With this Report, the Regional Bureau for Latin America and the Caribbean of the United Nations Development Program (UNDP) hopes to contribute to generate ideas and specific proposals to reduce insecurity and violence in a way that is effective and consistent with other basic values. For instance, this requires an unyielding opposition to all kind of discrimination and a commitment to gender equality.

As with any Human Development Report, the work here presented is valuable on account both of its contents and of the process that produced it. In its preparation care has been taken of conceptual consistency,

relevance of each topic and consultation with different key actors from Central America. Besides the advisory and the technical committees, the earlier versions were enriched by comments from scholars, opinion leaders, and members of civil society organizations, government officers, and colleagues from various donor agencies, United Nations agencies, different branches inside UNDP, and other multilateral agencies.

The main conclusion of the Report is that citizen security need –demands– an intelligent diagnose about the problem, an effective political will, an integral system to adopt and carry out short term and long term action, and a commitment to the values of democracy. In the road map that is outlined here there many and serious challenges to be confronted: the quest for an improved quality of life for all the citizens of Central America, makes this a task that cannot be postponed.

**Rebeca Grynspan**
Associate Administrator and Director of the Regional Bureau for Latin America
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# Introduction

This booklet summarizes the main findings and recommendations of the Human Development Report for Central America 2009-2010 (hereafter the HDRCA) commissioned by the United Nations Development Program (UNDP). The report examined the trends, roots, and possible solutions to the problem of citizen insecurity in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama –the seven countries in continental Central America. "Citizen Security" was understood as "*the protection of all persons against the risk of suffering a violent or a predatory crime*"–.

The report was the result of a fairly extended process of research and consultations with experts and stakeholders in each of the seven countries. The process was oriented by an Executive Committee chaired by UNDP's Regional Director for Latin America and the Caribbean, and composed of the Resident Representatives of UNDP in the Central American countries. A Regional Advisory Council of distinguished personalities provided political and substantive guidance, as did the Regional and the several National Technical Committees, where Central American analysts and representatives from governments and civil society, along with colleagues from UNDP and from other United Nations agencies, took an active part. Responsibility for the contents of the report however rests solely with the team in charge of drafting its written version.

To simplify the presentation, this booklet does not refer to all of the many dimensions and specific solutions to the indeed complex problem of citizen (in)security in Central America. Simplicity in presentation also implies dispensing with the nuances, and skipping precisions or arguments that the interested readers may find in the Spanish language version of the report (available both in print[1] and at www.idhac-abrirespaciosalaseguridad.org).

> Citizen security is in itself a human value, yet in order to achieve it there are also one-dimensional approaches, or ones that are insensible to their implications or "collateral effects" on other values, most frequently those of freedom and of equity. On freedom: it is often asserted that civil liberties should be curtailed, or that some "soft" legal provisions need to be ignored in order to control crime. On equity: it is often held that in the face of runaway criminality, "everyone is to fend for himself".

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[1] Programa de Naciones Unidas para el Desarrollo. 2009. *Abrir espacios a la seguridad ciudadana y al desarrollo humano, Informe de Desarrollo Humano para América Central 2009- 2010*.

# I.    The approach

As it is mow well known, "human development" is not reduced to the growth of per capita incomes but includes other values –freedom, justice…– which are also essential for human beings to lead a better life. Human development is then the enlargement of opportunities, or of the "options", or of the liberties that allow us to be more fully human. These options are of very different kinds –ranging from nutrition or education, to income or to employment, to self-esteem, or to freedom of expression…– and, in any case, they should be enjoyed on a peaceful and permanent bases that is, in a safe or a secure way: "human security" is therefore a necessary condition for human development.

Stated otherwise, "human security" consists of protecting the basic liberties or opportunities of people against the serious and foreseeable risks that threaten their enjoyment. One of those risks is being the victim of violence or of dispossession, so that citizen security (as defined in the HDRCA) is a key component of human security: there is no human development without protection against violent and predatory crime.

Criminality is a cause of deaths, harms and pains for the victims and for their families, as well as for the offender and for those around him. The sole fear of crime reduces our liberties, such as walking in the streets or enjoying the urban scenery. The State and all the citizens have to divert of their scarce resources to pay for the hospitals, jails, police officers, insurance premiums, and other various expenses needed to prevent delinquency or to correct its adverse effects. In times of globalization, insecurity scares investment way from the country, hinders its economic growth, and produces unemployment. Criminality weakens the social fabric, destroys confidence among people, and erodes the credibility of institutions and the respect for the rule of law. In short, and both directly and indirectly, citizen insecurity is a very serious obstacle to the human development of Central Americans.

Approaching citizen (in)security from the perspective of human development has three major implications:

a.   Attention should not center on the crime itself –as it happens in the theory of criminal law– nor on the author of the crime –as in conventional criminology– but first and foremost on the actual or the potential victim of those crimes. The main interest of the HDRCA was therefore the protection of Central American citizens against the violent or predatory actions which take away their basic opportunities or liberties.

b.   Most of those harmful behaviors are typified in the Criminal Statutes of the seven countries, and thus constitute a "crime" in the legal understanding of this term ("*an action which is typical, unjustified, and guilty*", to recall a standard definition among Latin American scholars). Still, from the human development perspective, one must reach back to the old (and controversial) notion of "*mala in se*", or of actions which are to be deemed criminal irrespective of the legal provisions of any given country; this point is specially relevant in regards to some kinds of violence against women and of some varieties of corruption, which are more or less "tolerated" by societies in Central America: Human Development implies a universalist conception of ethics.

c.   But the distinctive mark of the human development paradigm consists in its recognition that public policies should not be directed towards a single goal –for example, richness– or to maximize a single

value –for example, efficiency–. This recognition stems from the fact that there exists a *plurality of values* –which therefore are worth pursuing for their own sake– and that they are not always compatible with one another. As seen from the standpoint of human development, the challenge is to find that policy or that program which would better contribute to the *simultaneous* achievement of the several values, or that would better take advantage of the "*synergies*" existing among them (for example: not any strategy or any "model" for economic growth, but one that at the same time creates employment, decreases social inequality, and adequately protects the physical environment).

Citizen security is in itself a human value, yet in order to achieve it there are also one-dimensional approaches, or ones that are insensible to their implications or "collateral effects" on other values, most frequently those of freedom and of equity. On freedom: it is often asserted that civil liberties should be curtailed, or that some "soft" legal provisions need to be ignored in order to control crime. On equity: it is often held that in the face of runaway criminality, "everyone is to fend for himself" –even though this implies for the weaker to remain unprotected–.

As popular or as attractive as the preceding formulas might be, the challenge for a human development report is to single out the strategies that will provide effective security for everybody with freedom for everybody and with equity among them all. "Effective security" means actual reduction in the crime rates and in the probability of being victimized by criminals. But security is for liberty: liberty of the potential victims, who will be free of fear and will better be able to enjoy their other freedoms; and liberty of the *alleged* author of the crime, whose guilt should be proven in accordance with the law before receiving any kind of sanction. And equity in the provision of security: universal protection of the citizens, not just of those who can pay for it; equal punishment for the authors of crimes, not just for those that cannot afford a skilled lawyer.

In short, the Human Development Report 2009-2010 was a modest but systematic attempt to identify and explain the rationale for the strategies and measures that the Central American countries could use towards the substantial and sustained improvement of citizen security in a way that helps everybody enjoy their liberties more fully and in a more equitable way.

With a clarification that should be pointed out from the start: the security proposals "as per the human development perspective" are not desirable only because they do not sacrifice freedom or equity: It turns out that they are also more apt to achieve a real and sustainable improvement in security that their "one-dimensional" alternatives. Betting for human development is not only a matter of the plurality of values at stake: it is as well and primarily a matter of been most *effective* in the achievement of security itself.

Human development is then the enlargement of opportunities, or of the "options", or of the liberties that allow us to be more fully human.

# II. The known crimes

Even though the legal definitions of a given crime vary from country to country, our notion of citizen security basically refers to the protection of all Central Americans against the following types of crimes:

- Crimes against the person
  - ▶ Intentional homicide
  - ▶ Assault
  - ▶ Rape
  - ▶ Kidnapping
  - ▶ Human trafficking

- Crimes against property
  *Private*
  - ▶ Robbery
  - ▶ Theft
  - ▶ Economic fraud
  *Public*
  - ▶ Bribery and corruption[2]

Now then: ¿Is it possible to know how many crimes actually took place in a given period in a given country? The short answer is no, and for three compelling reasons. First, because only a judge or a tribunal can determine if the presumed crime effectively qualifies as a "crime"; second, because many criminal incidents are not reported, and this "dark figure" turns out to be huge for some types of crimes (for instance, rape, or petty street robberies); and thirdly because the official systems to collect and report crime statistics do display many imperfections –as Box 1 illustrates for the specific case of Central America–.

Even though its measurement is not fully reliable, homicide is obviously the crime whose incidence is more accurately known. This –and the crime's inner seriousness– explains why the rate of homicides is the most usual indicator of citizen insecurity in a given country or city.

If one relies on the latest available worldwide figures, Central America turns out to be highly insecure: the region had 29.3 homicides per 100,000 inhabitants in 2004 (South America had 25.9%, and the Caribbean 18.1), a level surpassed only by the South African region, with 31.7 homicides per 100,000 inhabitants[3]. To put it bluntly: Central America is the most violent region of the World, with the exception of those regions where some countries are at war or are experiencing severe *political* violence.

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2 | This listing is in keeping with the international classification of crimes developed by the United Nations Office on Drugs and Crime, which is used as the bases for the UN survey on Crime Trends and Operations of Criminal Justice Systems.

3 | Global Burden of Armed Violence Report, 2008: Geneva Declaration on Armed Violence and Development. To be found at: http://www.genevadeclaration.org/pdfs/Global-Burden-of-Armed-Violence-full-report.pdf

## The poor quality of information about crime

**Box 1**

A recent study identified six main deficiencies in the collecting and processing of basic statistics about crime in Central America:

(1) No country possesses a unified system of criminal register that puts together detentions by the police and crimes reported by citizens (these reports can be presented at police stations but also at the judiciary police or at the Public Attorney's offices).

(2) There is not a common definition, nor a common classification, of crime types. Each country uses its own categories and it is almost impossible to homologate these legal definitions.

(3) In most cases, the statistics do not include information about the victimizers (age,

schooling, occupation...) nor about the circumstances surrounding the crime (location, time, and the like). This lack of information impoverishes the analysis, the evaluation of risks and the design of corrective measures.

(4) No country offers technical indications as to the changes in criminal legislation or in the methods to register crimes, so that the evolution of these phenomena can be properly analyzed.

(5) There is practically no auditing of the statistical registers to verify their validity and reliability.

(6) The judicial statistics present serious limitations; in particular, there are no yearbooks for the systematic follow up of the judicial activity.

Source: HDRCA, 2009-2010, recuadro 3.2. Adapted from Programa estado de la región. 2008. Informe del estado de la región en desarrollo humano sostenible. *Un informe desde Centroamérica y para Centroamérica*. San José de Costa Rica: 470-471.

Figure 1 compares the rates of homicide of different regions or countries in 2006 (last year for which sufficient information is available), and it confirms the critical situation of Central America. The overall rate for the region (32 homicides per 100,000 persons) is tantamount to *more than three times* the worldwide rate, and it exceeds by *seven points* the rate for Latin America as a whole. But El Salvador, Guatemala and Honduras, trailed by Belize, have a much more serious problem –say, *between three and six times* more serious– that the one of Panama, Costa Rica and Nicaragua. The first group of countries is above the level of Latin America, above Mexico's, and even above a proverbially "violent country" such as Colombia –although it should be noted that the countries in the Caribbean, and especially Jamaica, are affected by a similar incidence of violence–. And although the second group of countries (Panama, Costa Rica and Nicaragua) is below the average in Latin America, it still falls above the worldwide rate, above the level of Europe, and above that of the Southernmost countries in Latin America.

But it could be that 2006 was an atypical year, or it could be that the rates of homicide vary much from one year to the next. To take into account those possible explanations, Table 1 presents the homicide rates of the Central American countries in between 2000 and 2008. If anything, these other data point to an even more disturbing insight: the relative incidence of homicidal deaths, which was already high in Central America, has tended to increase during the last few years. In absolute numbers, the recrudescence of violence was more severe in Guatemala (20 points) and in Belize (13 points) but in relative terms it grew most markedly

## Homicide rates of some regions and countries, 2006*
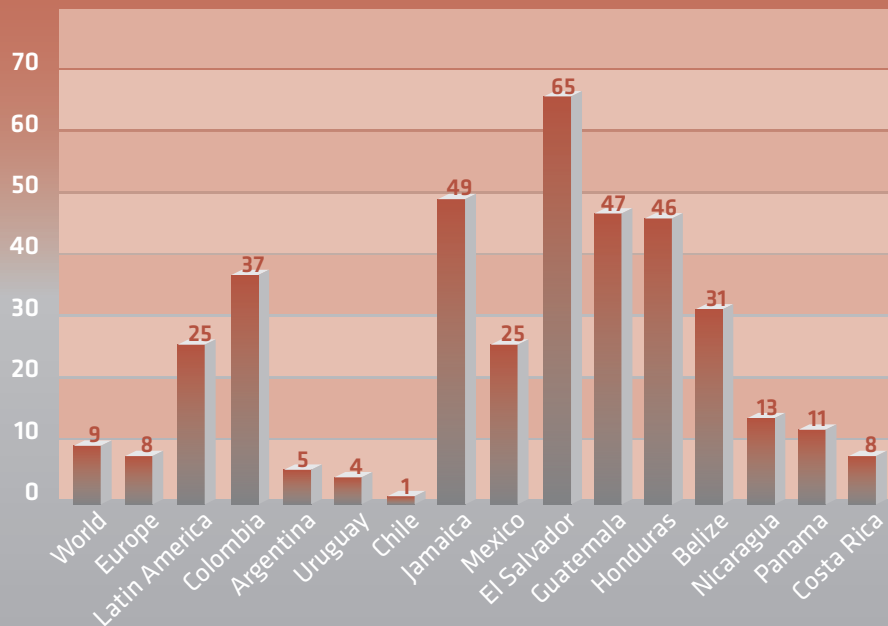
**Figure 1**

¿Is it possible to know how many crimes actually took place in a given period in a given country? The short answer is no.

## Central American homicide rates, 2000-2008

**Table 1**

| Country | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------|------|------|------|------|------|------|------|------|------|
| Belize | 19 | 25 | 30 | 24 | 27 | 28 | 31 | 30 | 32 |
| Costa Rica | 6 | 6 | 6 | 7 | 7 | 8 | 8 | 8 | 11 |
| El Salvador | 45 | 40 | 39 | 40 | 49 | 62 | 65 | 57 | 52 |
| Guatemala | 28 | 30 | 32 | 37 | 38 | 44 | 47 | 45 | 48 |
| Honduras | - | - | 69 | 65 | 35 | 37 | 46 | 50 | 58 |
| Nicaragua | 9 | 10 | 10 | 12 | 12 | 13 | 13 | 13 | 13 |
| Panama | 10 | 10 | 12 | 11 | 10 | 11 | 11 | 13 | 19 |

in Costa Rica and in Panama, whose rates were almost doubled in between 2000 and 2008. In Nicaragua the homicide rate increased somewhat less than 5%, and El Salvador ended up six points above its starting level.

Figure 2 looks back to Central America as a whole, and compares it to the other sub regions in Latin America through the six years period for which comparable data are available. Up to the most recent measurement (2006) Central America was the most violent region of a particularly violent continent. Worse still (and if the Southern Cone is not considered) in a few years Central America went from the most pacific to the most violent sub region in Latin America: while Brazil, Colombia, and also Mexico (where drug related homicides have notoriously been on the rise) managed to reduce their levels of violence, Central America in general saw its homicide rates to increase.

The information referring to crimes other than homicide is very scarce and for the most part of little reliability in Central America. But the detailed analysis of the several crime rates in the HDRCA broadly grants the conclusion that both crimes against persons and crimes against property have a relatively high incidence throughout the region.

The above conclusion is confirmed by the "rate of victimization", or the proportion of people who report having suffered a crime during the previous year. In the survey commissioned for the HDRCA 2009-2010, at least one and up to three in ten persons stated that they had been the victims of at least one criminal action during 2008 (see figure 3).



Latin America: evolution of the homicide rates by sub regions, 2002-2006

Figure 2

Legend: Brazil, Central America*, Southern Cone**, Mexico, Andean Region***

Source: HDRCA, 2009-2010, gráfico 3.2.
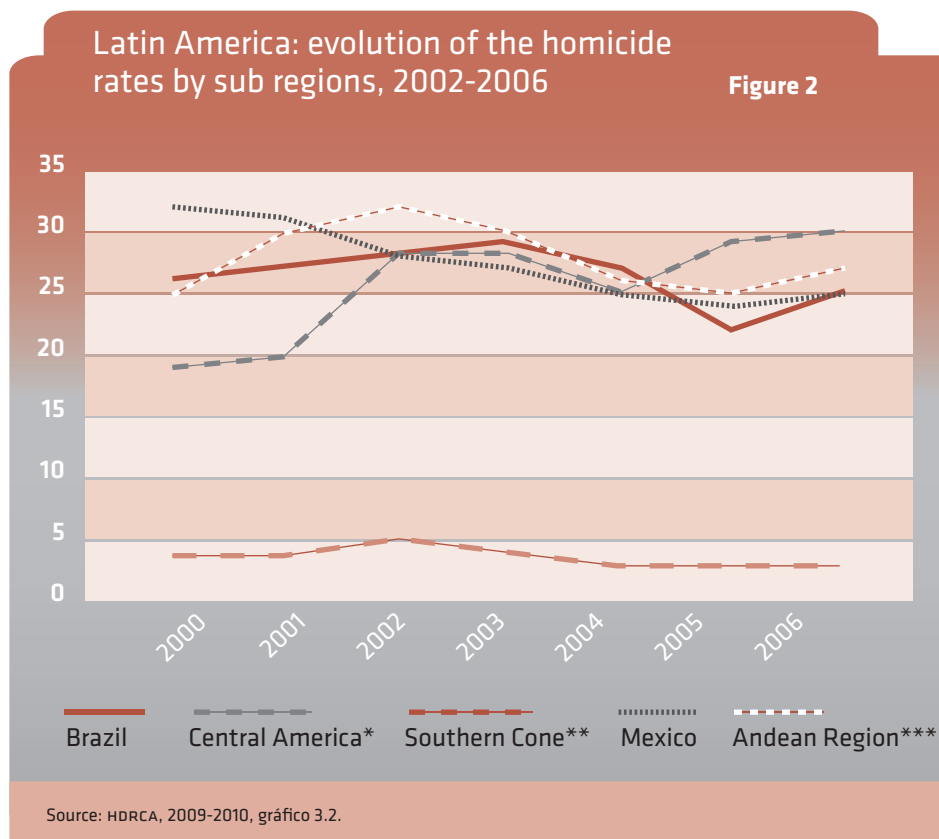
## Victimization in Central American countries, 2008

**Figure 3**

**Victimization Lapop**
**Adjusted HDRCA, 2009-2010**

| Belize | Costa Rica | El Salvador | Guatemala | Honduras | Nicaragua | Panama |
|--------|-----------|-------------|-----------|----------|-----------|--------|
| 10.3 | 16.3 | 32.2 | 24.3 | 15.1 | 24.1 | 10 |
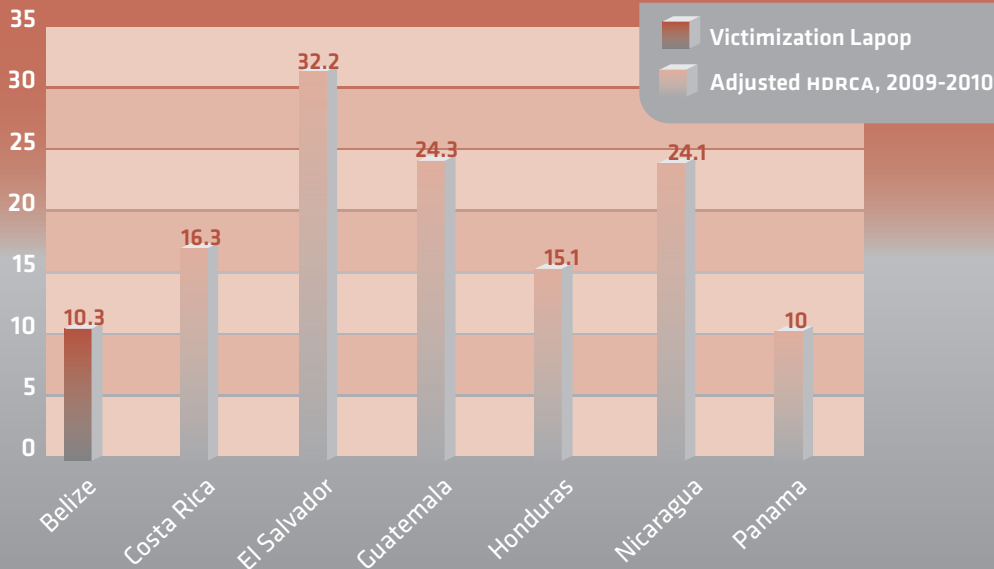
Source: HDRCA, 2009-2010, gráfico 3.3.

High crime rates are a legitimate cause for alarm among the inhabitants of Central America. Indeed, when asked "what is the most serious problem that is facing our country?", the most common response was to mention the crime in one of its modes, over economic issues. Moreover, most Central Americans perceived insecurity as a "very serious threat to the welfare of our future". Think so 83% of Salvadorans, the 75-76% of Nicaraguans, Guatemalans and Costa Ricans, 63% of Panamanians, 56% of Belizeans and 47% of Hondurans.

Central America turns out to be highly insecure: the region had 29.3 homicides per 100,000 inhabitants in 2004. To put it bluntly: Central America is the most violent region of the World, with the exception of those regions where some countries are at war or are experiencing severe political violence.

# III. Perceptions and beliefs

The high incidence of crime is good enough a reason for the concern and the alarm voiced by many people throughout Central America. Thus, to the open- ended question "¿which is the most serious problem facing our country?" the most popular answer was criminality under one or another denomination –this issue ranking above poverty, cost of living and other economic worries–.

What is more, a majority of those interviewed perceive citizen insecurity to be a "very serious threat to our future": this opinion was endorsed by 83% of the Salvadorans, by 75-76% of the Nicaraguans, Guatemalans and Costa Ricans, by 63% of the Panamanians, by 56% of the Belizeans, and by 47% of the Hondurans.

But the perceptions about crime not always mirror the realities of crime –and this distinction is of paramount importance both for an appropriate understanding of the problem and for a sound designing of the policies–. Granting that both classes of (in)security –the "objective" one and the "perceived" one– usually move in the same direction, it also happens that the beliefs of ordinary citizens are conditioned by diffuse fears, prejudices, false information or manipulations which seek to exaggerate or to minimize the real magnitude of the problem and to distort the nature of the criminal threats facing society.

Such distortions extend not only to the frequency or the incidence of crime, but also and most of all to its causes, its expressions and its remedies. The most common fallacies consist in either (a) generalizing from a few observations, or (b) blaming the problem of crime on the "strangers", or (c) calling for magic or for simplistic solutions. As far as the Central American countries are concerned, the HDRCA argues that the "popular ideology" about citizen insecurity could be pinned down to a dozen or so extended, but inexact, beliefs, as follows:

1. "This country (this city) is more insecure nowadays", or "it was more secure before" (or "one could go out walking in the streets before").
2. "Violence is the fault of young people" (or, "more precisely, of their gangs").
3. "Most of the delinquents are foreigners" ("Most of the criminals in X" –my country– "come from country Z").
4. "Women and children are safer at home than at any other place".
5. "All politicians are corrupt" (or "to succeed in politics one must accept corrupt deals").
6. "While there is hunger and inequality there will be crime".
7. "The problem of (illegal) drugs is the 'gringos' fault".
8. "This can be settled with the death penalty or by dictating more years of imprisonment".
9. "This can be settled by the Army taking control of the streets".
10. "Guns (and other small) weapons serve mostly for the people to defend themselves".
11. "All the police force is corrupt".
12. "The problem of crime has no remedy".

Both the private actions and the public policies in regards to citizen (in)security respond in part to the facts, but also in part to the popular perceptions. During the recent past, and in several countries of Central America, beliefs such as the ones sketched above have contributed to the adoption of harsh, "law and order", or

## Five myths about "mano dura"     Bernardo Kliksberg*

Box 2

### 1. Citizen (in)security is merely a police issue

The problem of insecurity can be solved by *mano dura*, by expending more money, suppressing legal guarantees, putting the minors in jail, expediting the trials and extending the punishments.

But experience has shown that the problem is more complex. Mano dura has failed in the countries that tried it. The crimes rates did not fall. There is no strong statistical correlation between the increase in the rate of imprisonment and medium or long term reduction in crime rates.

Simply, the number of prisoners grew, especially among the young and the poor. The jails are even more crowded in those countries that applied mano dura. According to ILANUD, overcrowding in several of those countries is double the capacities; the cell space per detainee in as low as 15 cm², to compare with the 10 m² considered necessary in Europe or the 14 m² in Holland.

### 2. "Zero tolerance" must be enforced

According to this well-known theory (much questioned in the United States, where it originated) a maximum of severity should be applied to all crimes, beginning with the smaller infringements. In Latin America is however crucial no to mix everything in the same bag, and to differentiate the various kinds of criminality. Stated briefly, there are at least two main categories:

▸ On the one hand we find organized crime, cocaine cartels, kidnapping, human trafficking, and the like. These are connected to or are a part of global criminal enterprises. They are a very serious threat, and society has to defend itself. The full weight of the law should be applied here, and this is why far reaching reforms in the police are needed. To train, modernize, and professionalize the corps. To qualify them for such demanding tasks as the investigation of money laundering. To break the links between policemen and organized crime.

▸ Juvenile delinquency is a different problem. These are young people who start out with small crimes, and could go on escalating. The statistic correlations between juvenile delinquency and a number of variables are highly consistent: it is linked to the rates of unemployment, of desertions from the school, of family disintegration. Juvenile unemployment in Argentina grew from 15.2% to 26.4% during the 1990's; the crimes carried out by minors in Buenos Aires increased by 51% during that period. In Peru, 22% of the prison population did not complete elementary schooling, and 61% did not finish high school. The pioneering study by Kasztman shows that in Uruguay two thirds of the young internees came from disjointed families.

As a report sponsored by USAID (2006) concludes in regards to Central America: "Members of the 'maras' come from poor urban and marginalized areas and are the product of an environment characterized by ineffective services, social exclusion, weak social capital, disintegrated families, and overcrowding".

What is needed to lower juvenile delinquency is not "zero tolerance" but more employment for the young people, more education and more support to the family.

### 3. The successful countries applied "mano dura"

The evidence points to the contrary. Denmark and Norway have 0.8 yearly homicides per 100,000 inhabitants, Sweden 2.4, Finland 2.8 (Latin America, 25). Finland has one of the smallest proportions of policemen per inhabitant in the planet. The key was not *mano dura*, but the Nordic socioeconomic model, the option for social cohesion and for guaranteed health, education and employment for all.

The United States is coming back from its one-sided reliance on repression. That approach made

## Five myths about "mano dura"

**Box 2**

it into the Western country with the largest prison population, more than 738 inmates for each 100,000 inhabitants, against 145 from Spain or 91 from Belgium. There are 2,200,000 prisoners. The costs became intolerable: 60 billion dollars. Many States, and public opinion, are pressing for preventive and rehabilitation approaches, and the Second Chance Act has been recently adopted: given that two thirds of the released prisoners return to jail before 3 years, from now on the government should provide them with social, occupational and legal assistance to enable their integration. The New York Times editorialized: "We have to abandon the laws and sentences that have filled the jails with non violent delinquents that are destined to be trapped in the margins of society".

### 4. There is no other alternative to "mano dura"

The best performing cities across the World, and those across the US, the leaders such as Boston or San Diego, apply an integral approach. Together with a "neighborhood police" that is close to the communities, there are active public policies of inclusion and wide reaching coalitions between the municipalities, the private sector, civil society, the churches and grass root organizations in the areas affected, to protect and assists the young people at risk. Instead of a fist, they extend an open hand.

### 5. We cannot wait for integral solutions

If we continue in the direction of *mano dura*, the problem will become more complex and more difficult. One out of every four young persons in Latin America is estimated to be socially excluded, or out of the labor market and of the educational system. The current crisis, with a prognosis of increased unemployment, is going to aggravate the situation. There is a silent competition for the young: organized crime has in them a "reserve army" of labor, and offers them incentives, and protection. If governments and societies do not frontally address the structural causes of their exclusion, with employment, education, health and support to the family, they are paving the way for organized crime to prosper in the region even more.

Mano dura pushes many among the young to the edges of society, to a situation where their only contact with the State turns out to be repression from the police. Mano dura has proven its capacity to produce votes among a population that rightfully demands solutions, but it will only aggravate the problem.

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Source: Adapted from the HDRCA, 2009-2010, recuadro 7.3.

*mano dura* strategies to cope with the crime wave, including the use of military to patrol the cities, decrees to formally stiffen penalties, or the massive arrest of suspicious looking youngsters. Such measures are meant or do appear to alleviate the *perception* of insecurity, but only do so for a time, and in addition have proven to be ineffective or, worse, counterproductive in the mid-term. Box 2 spells out the reasons for this lack of results.

A majority of those interviewed perceive citizen insecurity to be a "very serious threat to our future"

# IV.    The silent –or silenced– crimes

The failure of "mano dura" was in part due to the fact that there is no such a thing as "citizen *(in) security*" but there are citizen *(in)securities*. The (real or perceived) risk of being a victim depends, among others circumstances, of the type of crime one is talking about, on the person's sex and age, of her social origins, his place of residence, on the hour of the day (or night) and the specific place under consideration, of how cautious the person turned out to be, and of how good is the protection from the authorities. It is of little surprise therefore that the rates of criminality vary *within* each of the Central American countries more than they do *between* different countries; and this fact by itself serves as a caution to the generalizations in this (and for that matter, in any one report about "crime in Central America").

Among the many "(in)securities of citizens", there are some that deserve particular attention from the standpoint of human development, even if there is not much information about them, nor are they analyzed by conventional studies. The HDRCA calls them the "invisible" (or, better, the "hidden") (in)securities, having in mind the special situation of social groups that suffer from "discrimination in regards to (in)security" that is, groups which experience an *exceptional unbalance* between the risk of being victimized and the protection they receive from society.

In Central America and in different ways, discrimination in regards to (in)security mostly affects four groups of people: (1) members of some ethno –cultural minorities–; (2) young men and adolescents, especially in the cities; (3) children, and (4) women exposed to violence from their mates and in their immediate home or work environment. To provide but some illustration about the extent and the severity of this often unnoticed type of discrimination:

- The hidden insecurity of Central American children takes at least six aberrant modalities: (a) the homicide of minors and their participation in criminal activities; (b) their suffering abuses from educational or correctional authorities; (c) sexual abuse from relatives and counselors; (d) violence at home; (e) child labor, and (f) sexual exploitation for economic gain.
- The probability that a young Latin American man in between 15 and 24 years old be a victim of homicide is thirty times bigger than that of a young man in Europe, and seventy times higher than that of his peer in countries such as Greece, Hungary, England, Austria, Japan, or Ireland[4].
- 58% of the Costa Rican women have experienced at least one incident of physical or sexual violence after their 16th birth date; 36% of the Salvadorans who ever had a male mate have suffered psychological or verbal violence from him, and 16% of them experienced it during the past year. In Nicaragua, 45% of the women that have or had male mates were subject to verbal violence, 22% during the past year. In short, and roughly speaking, about half of the Central American women have been subject to violence during their adult lives, and almost always the attacker was not a stranger but the man they chose to share their lives with[5].

4 | Global Burden of Armed Violence Report, 2008: Geneva Declaration on Armed Violence and Development. To be found at: http://www.genevadeclaration.org/pdfs/Global-Burden-of-Armed-Violence-full-report.pdf

5 | The sources of these and other data are mentioned in chapter 5 of the HDRCA, 2009-2010, and further analyzed in the monographs on violence against women that was prepared in parallel to the Report and will be published separately.

# V. The roots

Most of the invisible insecurities and of the "daily" or the "street" insecurity (the one more often held in mind when speaking of "citizen insecurity") are the result of social pathologies that underlie to the "ordinary" or non-organized forms of criminality. Although the discussion on the "causes" of ordinary crime is well beyond the scope of this publication, it may in general be said that the "social pathologies" in question are those associated more closely with the phenomenon technically known as "anomie". The best established explanation of why society X experiences higher rates of criminality than society Z is to be found in severe maladjustments in the social order which produce "anomie", or which lead many individuals to believe that the laws or the rules of society can be ignored with little or with no cost to the actor.

That sort of situation is fairly common in the Central America societies, and more so in those of the "Northern Triangle" (El Salvador, Guatemala, Honduras). The countries in this region have been undergoing rather severe "social maladjustments" that would explain why the laws are so often infringed and why crime is so extended:

- On the one hand the process of globalization –economic, political and cultural– which in Central America has tended to open up opportunities for old and new varieties of crime, while at the same time weakening the State, the social net, and the traditional identities. And yet the impacts of globalization have apparently been mediated by the different types of insertion between those countries that have relied mostly on exporting labor (via migration and *maquila* factories) and those other countries (Costa Rica and Panama) that managed to attract foreign capital and to sow it in the more dynamic sectors of the economy (banking, tourism, the Canal services…).

- On the other hand one finds a series of internal maladjustments which, to varying degrees and in different fashions, would have contributed to the spread of *anomie* in Central America. Those maladjustments arise from demographic trends, and from the economic, the political and the cultural structures, reinforced by "triggers" that facilitate or stimulate the commission of crimes against persons or properties. The HDRCA 2009-2010 singles out and reviews these maladjustments as composing a causal sequence that results in the high crime rates. The sequence would be as follows (Chart 1):

| Social maladjustments as channel of impact on crime | | |
|---|---|---|
| | | Chart 1 |
| **The seedbed** | **The occasions** | **The context** |
| "Dysfunctional" or severely stressed families | Fast and disordered urbanization | The economy: inequity and social exclusion |
| Age structure with predominance of the young | Abundance of small and light weapons | The politics: inheritance of the wars and incomplete transition to democracy |
| Abundance of young people without a school and unemployed | High consumption of liquor and of drugs | The culture, which invites or tolerates violence and cheating |

Source: HDRCA, 2009-2010, tabla 6.1.

# VI.   The complex delinquency

*A*nomie is likewise the breeding ground for the more complex, or "organized" delinquency, which today in Central America could be grouped into two categories: (1) organized crime to exploit specific kinds of "markets", most importantly the market for narcotics, and (2) delinquency associated with –or attributed to– the juvenile gangs.

a. *Drug traffic* is a growing source of violence and corruption that feeds from extra-regional influences, but that also has roots and has actors in Central America. And, no matter who is to be blamed more or less for the problem, its consequences and its solutions necessarily involve the local societies and authorities. This does not imply that Central America ought to shoulder the agenda of third countries, or that the international strategies so far employed should not be revised, or that a revised approach to drug trafficking should not be part of the "new security deal" the region needs to reach with other countries in the hemisphere and throughout the World.

b. In regards to the *juvenile gangs*, the key point is to realize that they are a complex, changing, and differentiated phenomenon in Central America. A comprehensive review of the by now abundant studies on this topic lead the HDRCA to warn against oversimplifications, especially the ones that picture gangs as out-and out criminal groups or, on the contrary, as innocent clubs of youngsters. More than for anything, this problem calls for a carefully differentiated attention that would avoid impunity but would also refrain from stigmatizing those who are the future of Central America.

Contrasting with the alarm that is caused by the gangs, in Central America there is one other major source of insecurity for citizens that is seldom considered as such, and that conventional studies usually fail to mention. This source of objective insecurity is corruption, which the HDRCA defines as *the undue appropriation of public, or collective, property* –that is, of property belonging to each and every citizen–.

Corruption, thus understood, takes on four principal modalities: (a) the one exercised by the "*de facto* powers" which bend the action or inaction of the authorities in disadvantage of the public interest and without "loyal" respect for the rules of the game –though not necessarily breaking the formal law–; (b) the subornation, acceptance of bribery, or similar crime carried out by a public officer, sometimes of the highest rank; (c) the small time, or "grey", corruption which many citizens suffer from or practice in their daily interaction with authorities, under the manner of an illegal fee or as an exchange for electoral support; and (d) the large scale corruption which allows criminal mafias to infiltrate, "capture", or even replace the State. Once again in degrees and under different guises, those four faces of corruption are also present in the several countries of Central America.

**Most of the invisible insecurities and of the "daily" or the "street" insecurity are the result of social pathologies that underlie to the "ordinary" or non-organized forms of criminality.**

# VII. The answers so far: advances and lagoons

Whatever the causes and the kinds of delinquency they face, all modern societies entrust three institutions with the core responsibility for preventing and for punishing crime: the police, the criminal justice system, and the prisons. The countries in Central America could not be an exception, and this is why all of the States in the region have made enormous efforts to endow and to sustain those three institutions –to which they yearly dedicate around 3% of the region's GDP–.

Besides, and during decades, the security of citizens has been a main concern of governments throughout the region, so that many things have naturally been done to improve upon the quality of this essential public service. In particular, once the armed conflicts in El Salvador, Guatemala and Nicaragua were over, citizen security was demilitarized and this in turn allowed for significant advances in the modernization of those core institutions:

a. The police forces accentuated their strictly civilian character; the professionalization of their personnel and procedures has progressed substantively; and, generally speaking, these forces now work in closer contact with the communities.
b. A growing number of crime prevention programs have been launched, and new preventive "units" of the police have been created in all the countries.
c. The criminal justice system has been reformed to leave behind the traditional formalism in favor of procedural efficiency, with better qualified personnel and with better equipped offices.

Those and other innovations have kept running their course and have continued to improve the provision of citizen security. Many of the reforms however were more of form than of substance, and in any case institutions as complex as the police, the judiciary and the prisons do not change overnight. Therefore and in spite of their ongoing reforms, the three institutions were overwhelmed by the new wave of violence and insecurity that has been flogging the region. The prevalent reaction to this "emergency" has been the already mentioned *mano dura* type of strategies with an effect, as sated, more symbolic than real, and with the final result of aggravating the problem they were supposed to solve.

The current situation is thus one in which most of the police forces, the judiciary and the prisons of Central America are widely overflowing by the exceptionally high rates of criminality. Such an intense overload is the main cause of the problems and deficiencies that the HDRCA detected while evaluating the performance of what it called the "Citizen Security and Criminal Justice Systems" (CSCJs) of the region.

In the countries that provide world-class services of citizen security, the CSCJs is composed of the full set of well coordinated agencies that perform the six steps in the process outlined in Chart 2. This graphic helps in appreciating the dynamics and the sequential implications of the overload been experienced by the typical CSCJs of Central America:

- To begin with and as a general rule, four out of the seven components of the ideal Citizen Security and Criminal Justice Systems are very precarious or barely exist in the region: the overall direction,

| CSCJS components and actors | Chart 2 |
|---|---|
| **Components** | **Actors** |

| Components | Actors |
|---|---|
| Overall direction<br><br>1. Subsystem specific prevention<br><br>2. Alternative treatment of conflicts or infringements<br><br>3. Police<br><br>4. Criminal justice system:<br><br>    4.A. Prosecutor and Public Defender<br><br>    4.B. The judiciary<br><br>5. Correctional subsystem<br><br>6. Attention to the victims subsystem | *State*<br>- Central government with its three branches and its control instances<br>- Local governments<br><br>*No State*<br>- Citizenship<br>- Organized groups (civil society and private sector)<br>- Mass media<br><br>*International community* |

Source: HDRCA, 2009-2010, tabla 8.1.

the specialized prevention of crimes, the alternative treatment of conflicts or infringements, and the attention to the victims.

- Three other more specific and critical functions are seriously deficient, and this originates three narrow "bottlenecks" in the process namely: (a) the poor quality of judiciary investigation (and its sequel of "lack of evidence" to identify, detain and sanction the culprits); (b) the shortage of competent lawyers for the detainees without resources (and the resulting "prison for the poor"), and (c) the minimum effectiveness of the convict rehabilitation programs (with the corollary of jails functioning as "crime schools").

- Reinforced by the almost complete absence of the Central American municipalities in providing the service of security, and by the generally insufficient contribution of nongovernmental actors (see Chart 2), the system's overload is concentrated on the three core institutions, thus aggravating the overflow of the police, the congestion of the criminal courts, and the overcrowding of prisons in the region.

- One end result of the above is of course widespread impunity, and the attendant feeling of statelessness extended among the people.

- Overwhelmed by that feeling, many persons embrace apparent –and in fact, counterproductive– remedies: the militarization of citizen security, the massive "raids" which aggravate the problem of the prisoner without conviction, the bribery of a policeman or a judge to tilt the scale, or –already outside the official CSCJS– the use and abuse of private guardians, or the final resort of "taking justice in one's own hands", the "social cleansing", or the lynching of supposed offenders. This vicious circle may give raise to a model of "uneven security" such as the one described in Box 3 in regards to Guatemala.

- Under such circumstances it is but predictable that the State institutions in charge of providing citizen security will have a poor public image, and will thus receive scant support from the communities they were meant to protect against crime.

## Security is privatized and militarized in Guatemala        Edelberto Torres-Rivas*

**Box 3**

The growing weakness of the State in Guatemala, in its not being able to secure the social existence of citizens, sharpens the widespread perception that anyone can be the victim of a violent or a predatory crime that strike at random and as a product of the existing circumstances.

As the perceived probability of suffering the loss of one's life, integrity or patrimony increases, so do the *privatization* and the *militarization* of security. It is a desperate attempt to diminish the likelihood of damage, one that leads to rearranging personal, family and social patterns of action. The point to stress is that in Guatemala (as well as in the countries facing similar situations) the temptation to cope with the problem by way of *buying* "security" is mediated by the socioeconomic capacity of each citizen. Insecurity from crime depends on social stratification and becomes another perverse feature of the already pronounced inequalities.

As the HDRCA explains, objective insecurity is a valid yardstick to assess one's risks and to search for protection. If burglaries are increasing in your medium class neighborhood, the best thing to do is to *buy* security, to contract a policy with an insurance company.

Subjective insecurity is the personal perception of risk, which often goes beyond objective insecurity. In today's Guatemala, it is the conscious and distressing belief not only that the danger is increasing, but that it cannot be controlled. Against this insecurity, other defenses arise such as perimetric protection (the fenced condominium, the grated houses, the well armed bodyguards, the armored vehicles, the tinted windows, the bullet-proof life vests...). The recent Security Fair (that took place in Guatemala City in 2009) featured a mind blogging repertoire of products which go from the pepper gas up to the biometric profiling to enter the office or the house. With money the security increases: ¿randomness under control?

The combination between a weak State that cannot protect its citizens and the uncontrollable expansion of criminality leads to the redefinition of what is "public" and what is "private", and to the growing divorce between objective and subjective insecurity –which nonetheless is paradoxically grounded in reality–.

In Guatemala there are 73 private security companies (most of them owned by former military), approximately 120,000 bodyguards or private policemen (most of them former soldiers or former policemen), and close to 65 over the counter arms stores.

Violence here affects the poorest people out of all proportion. During the first seven months of 2009, a total of 2,235 deaths by murder were registered, out of which sixteen were to entrepreneurs and fourteen more were to college graduates. The rest are poor people –with over 50% without known identity–.

To the extent that security can be bought, it has improved among the wealthier. But even then the elite is perceiving heightened insecurity of some form, a perception influenced by personal sensibility, by the experiences of peers, by the degree of information.

¿And what of the poor people? Violence here is atrocious, dying a daily average of fifteen persons. "Justice by one's own hand" is the substitute of a dull and corrupt judiciary system. Hell has arrived to the neighborhood and the poor punish themselves. The subjective insecurity confounds itself with the objective data. The culture of the strongest and of private revenge spreads throughout the country.

The privatization of security is growing, making the State to lose the legitimate control on the use of force, which falls into private hands: *one policeman for seven well armed bodyguards*. This is a vicious circle, as the weakness of the State increases the criminal offensive.

→

## Security is privatized and militarized in Guatemala

**Box 3**

Let us remember the parable of the "dog that barks" in the street (objective insecurity), this is to say of the danger known that can be avoided, compared with "the person at a dark room" (subjective insecurity), this is to say, the one that knows of the imminent danger but not when or from where it will come. The bankruptcy of public security, which cannot grant the right to be protected from crime, causes the second part of the parable to be the one which occurs more often. And that security be privatized and militarized more with every passing day. Criminality does not diminish, but the democratic margins, the role of the State and the objective security do so.

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Source: Adapted from the HDRCA, 2009-2010, recuadro 7.5.

# VIII. Preventing crime: A contract for civism

Precisely because their security institutions have been overflowed, the Central American societies need to reevaluate their beliefs and strategies so as to get down to the roots of the problem. To prevent is better than to cure –and it is cheaper to prevent than to cure–. Everyone sees this to be the case in relation to health, and exactly the same holds for citizen security: the ideal crime situation is that there would be no crimes. And just as the patient of a chronic disease needs to change her lifestyle if she pretends to avoid new attacks, societies should reduce *anomie* if they pretend to be truly secure. This change in social lifestyles, the HDRCA calls a "contract for civism", which would feature three main "clauses":

1. **Legality**. A safe society is one were everybody abides by the law –because the prime purpose of the law is to protect the life, the personal integrity, and the patrimony of the associates–. From here it follows that respect for the law has to be the central aim and the first clause of the "contract" which guarantees the security of citizens.

2. **Universality**. But for us all to abide by the law it is necessary that the law be fair –that is to say, that we all perceive it as fair– which implies that the law treats all of us as equals –or as "citizens"–: a second clause of the contract should foresee the universalism of the law, or that the relation of citizens with the State will not depend on their personal or particular conditions.

3. **Solidarity**. In real life however there are disadvantaged or socially excluded persons that need be included in the economic and social order for them to be able to abide by the civic contract. The third clause therefore, refers to "social inclusion", or to help prevent *anomie* by reducing the distance between the
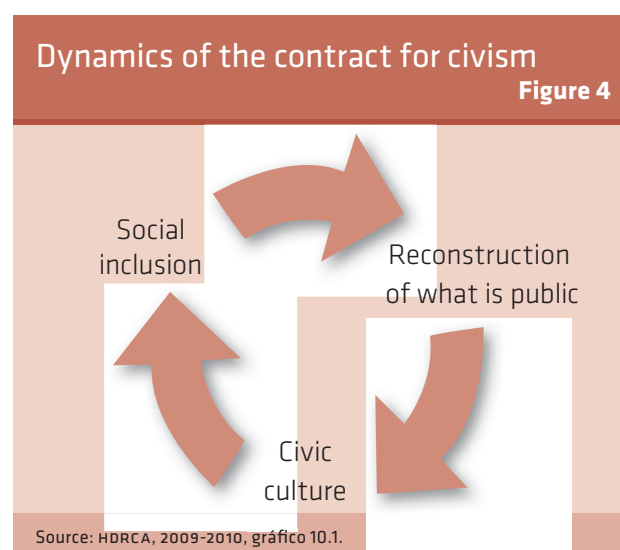
Besides the general, or "structural" prevention of criminality that will result from the contract for civism, the Central American countries need to adopt or to reinforce more specific strategies aimed directly and deliberately to the reduction or control of the risk factors more immediately associated with violent or predatory crimes.

goals that society dictates to the individual (e.g., "be rich") and the means it actually provides for him or her to reach those goals.

The three preceding clauses amount to a road map for reforms to be undertaken or continued, so that the Central American societies become better adjusted with the passage of time. Amidst the serious lack of civism that several studies have found in the region, the need is for strategies that gradually reinforce each of the three "clauses" above, that is:

a. Of increasing law abidance –through actions in "civic culture" to reaffirm the primacy of law over other normative systems (e.g., peer pressure) and to educate in respect for the law–.
b. To insure the universalism of law –through the rescue of what is public (the primacy of public interests in political life, and the return of what is public to the public)–.
c. To improve social inclusion in its various spheres (occupational, of access to the services, political, and cultural).

The orientation, contents and reach of the corresponding policies or measures cannot be detailed here, but it is worth noting that they are sources of "synergy" and thus they tend to induce the virtuous circle of reduction of *anomie* and lesser incidence of the crime –as figure 4 suggests–.



Dynamics of the contract for civism

**Figure 4**

Social inclusion

Reconstruction of what is public

Civic culture

Source: HDRCA, 2009-2010, gráfico 10.1.

# IX. Good organization, good administration

To continue with the analogy to health, those who get sick need to be treated or hospitalized, and in the case of citizen security this "curative" role is a main responsibility of the CSCJS. On account of its high social priority, this system needs to mobilize a maximum of resources, and to use them with a maximum efficiency. The first leads the HDRCA 2009-2010 to examine the repertoire of resources or of inputs –human, symbolic and material– which a good CSCJS needs to receive from the rest of society, and the second takes it to the question of how should those resources be assigned.

## A. Organizing the system

1. **To guarantee the security of its citizens is the raison d'être and the first obligation of the State.** To guarantee the security of its citizens is the raison d'être and the first obligation of the State. In order to provide this fundamental service, citizen security should be treated as a *public issue*, and therefore be subject to public scrutiny: the Congress, the executive branch, the judiciary, the control agencies, the political forces in charge of government or in the opposition, should all have the issue in their agendas, and together should build the necessary agreements to have long-lasting and comprehensive "State policies" in relation to citizen security. Security is not an issue for the police or for any other specialized agency: it is a key function and responsibility of the State as such, and this implies that security be governed or that there would be "governance for security" as outlined in Box 4.

2. **Citizen insecurities are basically of a *local character*,** and that is why the municipality has to have the leading role in managing two of the seven components of the CSCJS (in Chart 2: "preventive subsystem" and "alternative treatment of conflicts and infractions"). The municipality also has to coordinate the work of the core agencies of the CSCJS within its territory. To accomplish these two tasks, the local governments need to have agencies specialized in security, need to recruit civilian professionals in this field, need to develop reliable systems of information, and need to draw the daily provision of security services near to the communities.

3. **The citizens have the simple but decisive duty of supporting the authorities** when they themselves comply and enforce the laws. The organized civil society has a role in studying the problems of (in)security and in suggesting solutions, in following-up or monitoring the performance of government, and in managing programs of crime prevention, rehabilitation of convicts, and support to the victims. The private sector should scrupulously pay the taxes which allow the functioning of public security, and should refrain from misusing the mechanisms of private security. The media has to respect the rights of the victim and those of the alleged or proven offender, and also has to promote the public interest through the balanced, responsible and contextualized coverage of the facts and processes pertaining to the (in)security of citizens.

## Governance for the security of citizens

Alejandro E. Álvarez *

**Box 4**

Only recently have crime and nonpolitical violence become priorities in the public agendas of Latin American countries. During the XX century citizen security did not get as much attention as employment, social progress or education. Violence, instead, was known and treated as a political problem, and the answer to it was the so called "war against subversion".

Consequently, during that period, security was considered as exclusively a matter for the armed forces: crime was a problem of the police and political violence was a challenge for the military. "Security", in either case, was understood as the professional concern of those in uniform, with civilians with little value to add. Thus the tendency was reinforced of the security forces to develop strong corporate cultures, without any transparency or willingness to be accountable.

Towards the end of the century and the beginning of the new one, nonpolitical crime however reached levels previously unknown in Latina America, and especially so in the Northern Triangle of Central America. In all our countries crime became one of the most pressing concerns for the population, an unavoidable topic for electoral campaigns, and the reason for a flourishing of economic activities from private security companies to sale of arms for self-protection. Public concern only grew when it became evident that the security forces were surpassed by the problem, unprepared to respond or sometimes even been active part of criminality.

Only when facing that scene the politicians seriously began to worry about crime and ordinary violence. Their first reactions were demagogic and designed for the media: *mano dura* and its attachments were a first false step, based on the belief that the police should simply give more of it to control the situation. When the deeds matched the words, *mano dura* did increase investment and manpower dedicated to security, but did not change the conception of the problem nor the methods to solve it.

Waking up of that dream was hard for the politicians: the poor results in security caused many of them to lose elections, and the position of Minister of the Interior (or its equivalent) became a very unstable public job. No surprise here, however, since the governments did not give themselves the instruments necessary for a successful policy. The official initiatives to reduce crime were adopted under pressure and with urgency, without serious information on the criminal phenomena (either organized or ordinary delinquency) retrying police techniques in use fifty years ago, and without any interaction between the police activities and the preventive efforts undertaken by the government and the communities themselves.

Furthermore, the so called "security plans" had a poor leadership from the Ministries, and no appropriate structures were set up for their implementation or their monitoring, with even less debates in Congress or information to the public.

In a good number of Latin American countries the Ministry of the Interior (or its equivalent) lacks the necessary capacities to exercise the general, strategic direction of the cscjs (see Chart 2). This direction implies the setting of priorities, the overall conduction and coordination of the security forces and other agencies within the system, the monitoring and evaluating those policies, and the reporting back to the President, to Congress and to the public at large.

To make that possible we need to endow the Ministries with the capacity to centralize information and carry out the analysis of crime and violence, with administrative units capable of planning and monitoring strategies, with mechanisms effective to coordinate the interventions of police, the programs for crime prevention, and to link with the local authorities.

In addition there is need for a substantive improvement of the professional management of resources in this sector, for mechanisms to control

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## Governance for the security of citizens

**Box 4**

the performance of its units and to curb down corruption, as well as for better qualified personnel for public communications.

The role of municipal governments is also of crucial significance. Indeed, they are the best suited actors to coordinate the programs of crime prevention. Local governments can connect the preventive efforts with the actions of police and with such other public services as education, health and culture, services that properly oriented can contribute as well to the prevention of violence and crime.

The Congress or the National Assembly is responsible for enacting the laws, for adopting the budget, and for exercising political control over the executive power. These faculties, even though ample, have not been used much to regulate, to

control and to orient the security policies in our countries. Civil societies, however, have generally played a more active role of information and lobbying on the most important aspects of security.

In short, it does not much matter how many police patrols we can have circulating in the streets, how many policemen we recruit, how many radios, guns and cameras we buy, for all of this would not be enough to reduce criminality and violence if we lack clarity of purposes, good direction, efficient execution and effective control. In other words, if we do not bring good governance to the system.

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Source: Adapted from the HDRCA 2009-2010, recuadro 11.1.

## B. Administering the system

Regarding the allocation and management of the human, symbolic and material resources received by the CSCJS, the Report found three items of high strategic value which in Central America tend to go under attended:

a. The recollection, processing and intelligent use of information related to (in)security –which includes precise measurement of crime rates and other data, yet avoids the fetishism or the obsession with numbers to the expense of understanding–.

b. The long term vision and especially the prevention of crime –because in security, more than in other matters, what is urgent tends to displace what is important–.

c. The creation, reinforcement, or use of the "synergies" or multiplied effects which result from working from a system-wide perspective.

In those items and in the most traditional ones (constructions, hiring of personnel, equipment and others) it is likewise recommended:

a. To move from the financing by inertia or by bureaucratic pressures, to the results oriented approach, viz. that the financial, human and other resources be distributed on the bases of needs and of the changing results of the agencies and of the tasks.

b. To ingrain the culture of accountability and of control over the institutions and the functionaries responsible of guaranteeing the protection against crime. Effective controls should be exercised within the respective agencies, from the direction of the State, and from the citizen supervisorships.

# X. To initiate or complete the reforms

A number of organizations and authorized analysts have discussed at length the many specific measures that could improve the performance of each of the several components of the cscjs of Central America. Quite a few of these improvements are already under way in some countries, yet they all could be made more effective and make a better sense if reconsidered from the systemic perspective and if applied in the spirit of the system-wide guidelines suggested in the section above.

The HDRCA reviews in some detail those many ideas and proposals, but here we simply mention their basic thrust or intentions:

1. **The prevention of specific crimes.** Besides the general, or "structural" prevention of criminality that will result from the contract for civism, the Central American countries need to adopt or to reinforce more specific strategies aimed directly and deliberately to the reduction or control of the risk factors more immediately associated with violent or predatory crimes. The programs of specific prevention should act in a joint and coordinated fashion upon:

- The *minds* of the potential offenders (via families or schools)
- The *populations* at special risk of engaging in criminal activities (children and adolescents in extreme circumstances, former convicts, alcoholics or drug addicts)
- The *opportunities* for crime (design, and use of urban spaces, education of potential victims)
- The *dangerous* conducts (consumption of alcohol or psychotropic substances; tenancy and carrying of weapons –given that two out of three homicides in Central America are committed with firearms–, and as an illustration on the variety of concrete measures which could help to prevent crimes, Box 5 enumerates the controls that the national and the local authorities could exercise in this field).

2. **The alternative treatment of conflicts or infringements.** In this respect it should be understood that the various existing mechanisms (lay judges, casas de justicia, indigenous tribunals…) have different functions and that their effectiveness depends on: (a) offering simpler and faster options than those of the ordinary criminal justice system; (b) guaranteeing equity or fairness, and (c) being truly respected by the citizens.

To meet those purposes it would be needed: (a) to improve the design of those mechanisms in such a way that they would be agile but would not impart "second class justice"; (b) to provide them with coercive authority and with sufficient resources, and (c) to enlarge their thematic and territorial coverage.

3. **The police.** This institution everywhere has the main responsibility for the security of citizens, and therefore it deserves a detailed attention in the HDRCA. The specific recommendations aim to strengthen six crucial features or conditions, so that the police forces of Central America could better face the challenges of crime:

- The Central American police corps must act in full accordance with their being a *public service* (i.e., to act with independence from the *de facto* powers, the political parties and the undue private interferences); must jealously guard their *civil character*; and must strive for the highly *professional* management of the affairs under their jurisdictions.
- The organization of the police bodies must *differentiate with clarity and insure the fulfillment of the three classic functions* of (a) police prevention, (b) criminal investigation –always dependent from and supervised by the judiciary– and (c) police administration. These are three very different functions, which demand different skills, methods and resources, so that the tripartite division should be reflected in the organizational chart, in the procedure manuals, and in the professional profiles of the respective functionaries. On the other hand, the police corps should not be overloaded with tasks different from these three, as it usually happens in Central America.
- The organizational structures of the police should be *flexible and should encourage team work*. Only then will they be able to respond to their main challenges, that is: (a) in the area of crime prevention, the challenge is to make sure that patrolling responds to the nature and location of specific risks, rather than the traditionally "blind" patrolling, uninformed and therefore, erratic; and (b) in criminal investigation, the challenge lies in that the proofs gathered be strong and at the same time valid from the legal standpoint.
- The officers and agents should be trained and motivated to faithfully perform the assigned tasks. The already mentioned processes of professionalization of the police should be continued and extended to each one of their sections and specialties, through an integral and improved system of incentives and controls.
- The police should be well equipped, especially when it comes to technical means and arms to chase after organized crime.
- The police should be closer to the security problems in three different ways: (a) by its territorial deployment and its decentralized operation; (b) by its priority interest in the criminal acts which most affect the common people, and (c) by the style of relation that their members establish with the community ("proximity" or "neighborhood" police).

4. **The criminal justice system.** Given the congestion which overflows it, the subsystem of criminal justice –or better to say, the society which directs that system– cannot but face the need to *choose priorities* as to which type of crimes it wants to hunt down and to whom it wants to take to prison. This assertion sounds blunt, yet it simply states that if the choice is not made in a conscious, public and reasoned way, then in fact it is done and shall continue to be done in an unconscious, hidden and non reasoned way.

## The national government, the municipality and the control of arms

**Box 5**

Private firearms should not be admitted in a democracy because they put people in a situation of inequality, because they difficult the resolution of conflicts, and because they risk the life of the arm carrier and of those surrounding him. This should be the unequivocal message of society and the media, reinforced by the energetic and united performance of the international community and of the national and municipal authorities. To spell out only those *legal or administrative* tasks that correspond to the latter:

▸ The *national authorities* ought to perform several precise functions: (a) to control the armories and the importation of arms; (b) to administer the safe storage of arms; (c) to regulate and restrict the tenure and the carrying of arms through compulsory licenses or permits, in the concession of which should be considered the levels of risk and the physical and psychological assessment of those requesting the permit; (d) to keep an updated register of the permits of tenure and carrying of arms; (e) to prohibit the carrying of arms in public spaces; (f) to define

and pursue the crime of illegal carrying of arms; (g) to establish an administrative regime which would allow to seize them because of an abuse of the licenses, because of carrying them being drunk or under the effects of psychoactive substances, or to suspend the license to those who have a record of domestic violence, and (h) to assign faculties to the civil municipal authorities to temporarily suspend the validity of the licenses in circumstances which would affect the security of citizens and for them to offer amnesties to the bearers with the purpose of legalizing or of returning them to the public force.

▸ The following functions should correspond to the *municipal government*: (a) To conduct or stimulate programs of voluntary disarmament; (b) To promote legalization days of arms covered by amnesties; (c) To coordinate with the police frequent operatives of control and confiscation of arms in high risk locations, and (d) To improve the skills of the local policemen to locate and confiscate firearms in the hands of unauthorized civilians.

Source: Adapted from the HDRCA, 2009-2010: 330-331.

More so, a congested system needs priorities, and that is why Central American citizens need to reengage in an open, democratic, dialogue about the insecurities which should be attended, and about the relative severity of the sentences and punishments for the many and very different varieties of crime.

Besides adopting priorities, the previous diagnose on the criminal justice in Central America underlines the importance of (a) a solid accusation, (b) a solid defense for the accused or the prisoner who is not in a position to pay for it, (c) more agility in the trials, and (d) full respect of guarantees emerging from the rule of law. To these effects it is advisable to initiate or to complete the reforms and programs oriented: (a) to better organize the criminal investigation and to update the techniques to collect crime related evidences (Box 6 elaborates on this decisive point); (b) to strengthen the public defense system; (c) to speed up the judicial processes (for example, diminishing the legal opportunities for dilatory actions); (d) to avoid arbitrary actions (for example the abuse of the "preventive prison") and (e) to decongest the judicial offices (for example, if misdemeanors or minor offenses are not brought before the courts).

## Improving the quality of criminal evidence

Box 6

Evidence is the Achilles heel of criminal justice in Central America, so that improving its quality and not depending only on witnesses, informants or confessions are undisputed priorities.

▸ The first thing to do is create or consolidate an institute of forensic studies which would have national coverage, hire qualified professionals and be endowed with technical equipment and a reliable system of information so that it may design and coordinate the corresponding policy, set and enforce rigorous standards and generalize the use of scientific evidence –which reduces the dependency on testimony and alleviates the vulnerability of the victims and the witnesses–.

▸ The second thing is taking care and making better use of the "crime scene" as a primary source of evidence. Competent personnel, safe transportation, and portable equipment among other elements are needed. And it should be made clear that the police are responsible for the perimetric protection of the site, the judicial police or Public Ministry for the lifting, packing, transportation and custody of evidences, and the forensic institute for issuing the corresponding technical and scientific rulings.

▸ The third thing to do is adjust the procedure of criminal investigation to the logic and demands of the "adversarial" system which in Central America has been introduced to replace the former "accusatory" system. Broadly speaking, the new system features a Public Ministry or Attorney General who directs the investigation, the judge's controlling on the legality of evidences, a solid accusation and defense, the use of scientific evidence, and the substantive discussion of the merits.

▸ Last and to least is to acknowledge the role of the community in criminal investigation, which implies stimuli to its collaboration with justice, facilities to report on crime, and a robust system to protect witnesses and victims.

Source: Adapted from the HDRCA, 2009-2010: 346.

5. **The correctional subsystem.** As the crowding and the subhuman conditions inside prisons are two prominent features of the CSCJs in almost all Central America, the Report proposes alternatives to have *less prisoners* (alternative penalties, for example, or to avoid the futile "massive raids") and *more prison capacity* (new jails and with a better architecture) with *better trained personnel* (professionalization of the security and rehabilitation staffs) and with more opportunities for the rehabilitation of inmates (a matter where the private sector and the organized civil society have much yet to contribute).

6. **The attention to the victims**. From the standpoint of human development, there is no doubt that the State and society should squarely accept their responsibilities towards the victims of malicious crimes. The interest of the actual or potential victim should permeate all the legal structure and the operation of the CSCJs, but to that it is necessary to add special actions so that the rights of the victims to the *truth*, to *justice*, to *compensation or reparation of damage*s, and to the *non repetition* of the crime be *recognized* more expressly and be *guaranteed* more effectively.

# XI. Dealing with complex criminality

The measures and reforms overviewed in the previous sections would allow for a better prevention and control of ordinary crime in Central America. But both the most complex and the "invisible" modalities of crime call for additional instruments, which the Report examines in detail and whose general orientation is as follows.

1. **Drug trafficking and other types of organized crime**. The criminal organizations profit from the exploitation of "underground markets" and their particular ways of operation depend on the nature and dynamics of such markets. This is why the strategies to fight organized crime should be targeted at "dismantling the business", either by cutting down on its economic benefits, or by increasing its overall costs (including here a more effective punishment).

   The first approach works through changes in the regulation of the "industry" and the second implies strengthening the capacity of each of the four agencies in charge of administering the compulsory powers of the State, so that: (a) the *criminal investigation* personnel requires special methods to gather and take care of the evidence against the bosses and the highly dangerous gangs; (b) the *police* needs units and equipment capable of chasing and confronting those armed and corruptive organizations (by way of a illustration, Box 7 reviews the international experience in this matter of interest to various Central American countries); (c) the *judicial processes* involving criminal organizations should be agile, the judges should be well protected, and they should go after the laundering of money and other assets, since organized crime would be utterly pointless without this activity, and (d) special controls are needed in the *centers of reclusion* so that the criminal webs will not penetrate them or continue to act there.

2. **The juvenile gangs**. The young man who occasionally hangs around with a gang is not the same as the hardened member of a "*mara*" with its connections in the underworld. Consequently, one must strenuously avoid any stereotype or any undifferentiating handling of these groups.

   The strategies and programs should thus be based upon the precise knowledge of each gang, of its environment and of those who direct it or are a part of it. The sympathizers and the members who have not engaged in criminal activity should receive *individualized* attention and support from the family, the school and the community; the municipality and civil society organizations should promote artistic and sports activities for the young people at risk; in order to encourage their retirement from gangs, government and society must receive them without stigma, guarantee their security and offer them education and employment; but the proven actor of a crime should be subject to the pre-established sanctions, which implies good information on the working of the gang.

3. **Corruption.** Most acts of corruption are motivated by the eagerness of profit; so the main strategy against that scourge consists in raising its costs and in diminishing its benefits, this is to say, in having fewer opportunities and more obstacles to carry out those harmful actions.

   In light of the international theory and experience, the HDRCA examines and proposes five types of strategies to reduce the attractive of criminal corruption: (a) measures to reduce the margin of "subjective" or of *discretional* decision each functionary has; (b) increase and improvement of the controls that

## Policemen against the mafia bosses

**Box 7**

One of the most difficult missions in the fight against drug trafficking is to go after and capture its bosses. The *capo* is shielded by his private army and by his enormous powers of corruption; getting a hold of him while at the peak of his criminal career is well beyond the routine operatives of police and does demand an extraordinary concentration of intelligence and of force.

The international experience in "hunting down" the powerful bosses of organized crime indicates that these tasks are better undertaken by a police force or unit with special characteristics and operating differently than ordinary policemen. The following six features are advisable:

1. The police unit should perform first rate *technical intelligence*, including state of the art electronics and communications. The mafia organizations in Latin America have shown an unlimited disposition to use violence, and that makes it very difficult for "human intelligence" (i.e., informants) to penetrate them. Technical intelligence not only helps to locate the suspects, but may produce the breakdown of their communication and control nets, thus impairing their movements and their protection. But bear in mind that the drug lords have ready access to the most sophisticated countermeasures.

2. Despite the difficulties, the special police unit should strive after the best possible human intelligence to penetrate the mafias. By the same token, counterintelligence should continuously act to protect the unit's own secrets (who its members are, where are they placed, what equipment is available) as well as the communications channels and the information gathered.

3. The selection of members of the unit should depend on a stringent procedure to guard it against infiltrations and the eventual black-mailing of those whose identity be disclosed. Counterintelligence should extensively use such means as the polygraph and the surveillance of all relevant persons.

4. The members of these units should receive demanding training, with emphases in endurance to social isolation. Whenever possible, they should be volunteers. They should likewise enjoy financial and material incentives, besides the moral ones, to help prevent their corruption.

5. Along with the means for technical intelligence, the unit should dispose of the most modern weapons for attack and defense. Officers and agents need to be available and ready on a "24/7" basis. Vehicles have to be fast and flexible. Inputs cannot be spared.

6. The police should be able to pay for information and to offer other rewards (e.g., reduction of penalties) when it leads to a success in capturing the kingpins or otherwise dismantling the criminal organization.

Source: Adapted from the HDRCA, 2009-2010, recuadro 13.3.

the institution itself, the governmental control agencies, and the communities can exercise; (c) effective sanction of the corrupt actions, beginning with the "the bigger fish"; (d) incentives to keep away the temptation of appropriating the public patrimonies, and (e) a culture of honesty which is part of the contract for civism because, after all, the degree of respect for what is public depends on the ethics that each society harbors.

# XII. Fighting the silenced criminality

The persons subject to "discrimination in regards to (in)security" generally share four distinctive circumstances: first, that some crimes against them are not typified by the law or that the community does not perceive them as such; second, that the authors of crimes against them almost always remain unpunished; third, that these victims are in situations of special weakness; and fourth, that the author of the offense is giving expression to deeply rooted social prejudices.

Facing those four characteristics, the corresponding strategies of citizen security have to have four converging purposes: (a) to make visible the phenomenon and its character of crime (*mala in se)*; (b) to assure the punishment of the perpetrators; (c) to protect the victims more adequately, and (d) to reeducate the victimizers. These four strategies are enacted by different means in the case of each discriminated group of people –ethno cultural minorities, persons in vulnerable ages, sexual minorities– and in particular they have to face the silent tragedy of extended violence against women (that is the why of Box 8).

# XIII. The international cooperation

After subscribing the *Tratado Marco de Seguridad Democrática* in 1995, the seven members States of the *Sistema de Integración Centroamericana* (SICA) have been increasing their collaboration to confront the different modalities of crime throughout the region.

Not to disregard the commendable advances in relation to better communication and coordination among the national authorities, to harmonization of some policies and to join execution of several programs, most observers agree that there are two deficiencies in the "regional system of security": the excessive number of issues which make up today's agenda of "*regional* security", and the little capacity of the supranational bodies to carry out the formal agreements. The HDRCA therefore proposes to delimit the agenda of regional cooperation and to concentrate in the fight against transnational organized crime, including human trafficking, smuggling of migrants, arms traffic, drug trafficking and its related crimes; it also suggests giving priority to the tasks of exchanging expertise and information, monitoring of crime trends, and training of specialized personnel.

Some of the most serious modalities of crime affecting Central America have roots –and remedies– beyond the frontiers of the region. This amply justifies the call for a "New Deal" of security between Central America and other countries of the hemisphere and the World. At the base of this new dialogue would be the region's option for its own agenda, conceived by Central Americans and for Central Americans, where the needs of third parties are additional and not constitutive of the regional strategies and plans. In matters as urgent and as complex as corruption or illegal trafficking of drugs, arms, or human beings, a conversation is

## Putting an end to violence against women

Box 8

**1. To make the problem visible.** A deep seated commitment of State and society to the equality of gender is the necessary background for violence against women to be recognized and rejected for what it is –a violation of basic human rights–. Women themselves, as the authors of their own destiny, should know their rights and be in a condition to defend them, which calls for dislodging any social tolerance for violence, for targeted campaigns of risk-awareness, and for spreading information and access to the legal or administrative options for women to seek protection. Within the cscjs proper, each agency should keep gender specific records and report systematically about the trends in violence against women and about the programs to suppress it.

**2. To avoid impunity.** This begins with legal reforms to more completely and precisely identify the conducts that should be penalized, including the first episodes of aggression and the abuses within an existing marriage, which tend to go unnoticed. After that it is necessary to create or strengthen the jurisdictions, agencies or sections specializing in crimes against women (units of police reaction, "family" police stations, "family" courts...) as well as to hire more policewomen, women investigators, judges and counselors to attend the victims. All the staff at the cscjs institutions need be encouraged and trained to take these issues seriously.

And since the aggressor's identity is almost always known, impunity is not due to lack of information, but to the authorities' negligence to bring him before justice. It therefore is recommended (a) to proceed with the immediate detention of the offender; (b) to increase the penalty for recidivism and keep him away from the victim; (c) to set up specialized reaction units composed of policemen and policewomen; (d) to train all personnel for the specific treatment of these offenses and of their victims, and (e) to deliver disciplinary sanctions to the staffers who act negligently in the legal prosecution of those crimes.

**3. To better protect the victims.** Violence against women is an expression of cultural *machismo* and most always takes place in the context of personal relations, of a shared history and with affective, economic and power nexus between the victimizer and the victim. This crime usually involves a state of helplessness, confusion, fear and ambivalence for the women, who then need a special support from the State and society.

Besides education and awareness campaigns, the protection of victims needs of a comprehensive and solid system of support. The families and the community should be attentive to those conducts and ready to denounce since first aggressions. The several agencies within the cscjs should run programs of assistance, including physical protection, medical services, psychological counseling, legal advice, temporal accommodation or maintenance expenses, care of dependents, guarantees of no repetition, sanctions to the guilty, and continuity of the payments he dues to the victim or to her dependents.

The support groups or networks have an important role in these matters but they should not exempt the State of its responsibility. And also, even though there should exist temporary shelter as a last resort, it is the abuser not the abused who should abandon their ordinary residence.

**4. To reeducate the victimizers.** Any tackling of violence against women which does not seek to change the behavior of men is doomed to failure. From early on, the aggressor could require therapies or workshops for his reeducation. And no less, the media, the schools and the civil society organizations need to joint efforts to promote a new understanding of masculinity.

Source: Adapted from the HDRCA, 2009-2010: 369-373.

needed with the United States, with neighbors such as Mexico and Colombia, and with friendly governments from other continents, not to indulge in the game of idle recriminations but to overcome the zero-sum attitudes ("*what you win I lose*") and to build from the many shared interests towards more lasting –that is, towards preventive– remedies.

# XIV.  But we need results

Some readers might be under the impression that the reforms and actions suggested above are "purely academic" that is to say, that even though they seem reasonable they do not work –or that they need too much time to show results–. The citizens' impatience is understandable. But facing criminality is a difficult and a complex challenge, on which has no magic solutions or instantaneous remedies which are not delusions.

But that is not to assert that we have to put up with insecurity, or to stop looking and stop demanding tangible results –and at a short term–. On the contrary: The strategies and measures described in the Human Development Report are based in the experience of societies that have had a tangible and proven success in facing levels and modalities of criminality not very different from those which the Central American countries are nowadays experiencing. The Report describes and summarizes some of those integral experiences, which take us to conclude that:

- *Yes, we can.* It is possible to improve the security of citizens and for that there is *known* solutions.
- A *democracy can offer* security to the people; the *most effective* solutions respect and reinforce the rule of law.
- The provision of citizen security requires an *intelligent* diagnose on the specific problem, an *effective* political will, and an *integrated* system to adopt and carry out actions of *short* and of *long* term.

In somewhat more detail, the HDRCA examines a series of historic and of current experiences of success in improving citizen security, and concludes that they share certain "secrets" which –to purely pedagogic effects– could be ordained as a "decalogue of success". This *could be* the decalogue:

1. The political and social will begins with the conviction that security from crime is a right of all citizens and that the State has the undisputed obligation to supply it to them. Far from fearing that the search for security in some way contradicts human rights, the authorities and the citizens understand that without security it is not possible to enjoy any one of those rights (for example the right to life, the liberty to walk on the streets, or to have diverging political opinions).

   It is also understood that without security there is no investment, without investment there are no jobs, and without jobs there is no human development. Citizen security is not conceived as an isolated matter but as a part and parcel of the economic and social development of the countries and the cities.
2. The security of citizens requires of a clear and decisive leadership from the President, the Mayor or –be it the case– from the superior of the police or of the high tribunals. The leaders make themselves responsible before the public and coordinate the acting of the different agencies in full compliance with the rule of law.
3. Citizen insecurity is no to be dealt with only by the police and by the judiciary. It calls for the joint efforts of all the agencies in the CSCJS, and in particular of those responsible for criminal prevention.
4. The policies of citizen security require of continuity from the incumbent to the incoming governments.

5. There is no success without an objective, trustworthy and permanent information about the nature, the actors, the roots and the dynamics of the crime or crimes which they are fighting against.

6. The information above is used actively to understand the evolution of the problem, to enlighten the field work, to continuously evaluate the strategies, to control the functionaries, and to adopt the necessary changes.

7. The successful security strategies are highly selective: they go straight to the nodal points of the problem and look for the weak flank of the adversary. The actions concentrate upon orderly and carefully identified modalities, places, times, actors or factors of the chosen types of crime.

8. Providing security from crime is not right-wing, nor left-wing: it is simply a universal right that any government should guarantee. Success consequently implies the avoidance of ideological simplifications which stand in the way of the proper comprehension or of the optimum response to the specific challenge.

9. Citizen security needs a truly hand-on management, which supposes direct knowledge of the problem, proximity, decentralization and flexibility from both the national and the local authorities.

10. The citizen should be well informed about the problem and the results of existing policies or programs for him or her to offer the necessary support, within a virtuous circle of effectiveness and legitimation. Citizen security is security from the people, by the people, and for the people –as well as human development is development from, by and for the people–.

# XV. Before, after

The ideas presented by the Report and summarized here were decanted in a series of workshops, revisions and presentations before specialized audiences of the Central American countries. But the work started out from the numerous and often excellent studies on the (in)security of citizens in the region: our intention was and is to build on top of what is built, and to propose a systematic reading, with a regional accent, and as from the human development standpoint.

PTo further that proposal UNDP plans to follow up the publication of these writings with a process of debate, appropriation by citizens, evaluation and adoption of practical initiatives by the authorities, organizations of civil society and the international community that help improve the provision of this vital service. A series of thematic monographs and national publications to carry on the dialogue and help materialize some of the above proposals will see the light in the near future.

From UNDP's Virtual School (http://www.escuelapnud.org/public/index.php) we will be offering courses for those who wish to pursue more formal studies on citizen security and on human development. And naturally, at UNDP's country offices in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama we will continue working with the authorities and with civil society towards the ideal of security for all with freedom and with fairness for all Central Americans.