

PN-ADL-376



**SUSTAINABLE DEVELOPMENT IN CENTRAL AMERICA:
THE CHALLENGES OF VIOLENCE, INJUSTICE AND
INSECURITY**

Charles T. Call

CA 2020: Working Paper # 8

Charles T. Call
**Sustainable Development in Central America:
The Challenges of Violence, Injustice and Insecurity**

This publication was made possible through financial support provided by the Office of Regional and Sustainable Development, Latin America and the Caribbean (LAC), U.S. Agency for International Development, under the terms of Grant No. LAG-G-00-98-00048-00 and the Commission of the European Union. The opinions expressed herein are those of the author and do not necessarily reflect the views of the U.S. Agency for International Development and the Commission of the European Union.

B

CA 2020: Working Paper # 8

c

Charles T. Call

**SUSTAINABLE DEVELOPMENT IN
CENTRAL AMERICA:
THE CHALLENGES OF VIOLENCE,
INJUSTICE AND INSECURITY**

d

Charles T. Call
Sustainable Development in Central America: The Challenges of
Violence, Injustice and Insecurity

Hamburg: Institut für Iberoamerika-Kunde 2000
(CA 2020: Working Paper # 8)
ISBN 3-926446-67-8

Charles T. Call; Assistant Professor at Brown University's Watson Institute for International Studies. He has published on police reforms and peacekeeping, human rights and democratization in Latin America. With the support of the MacArthur Foundation, he is currently writing a book on policing and international security in post-war settings. He has served as consultant to the Ford Foundation, the U.S. Justice Department and Human Rights Watch. He received his Ph.D. from Stanford University in political science.

e

Contents

Executive Summary	1
Resumen Ejecutivo	4
1. Introduction: Violence and Insecurity in Central America	7
1.1. How Serious are Violence and Insecurity in Central America?	8
1.2. Increased Violence and Insecurity: Why?	11
2. Challenges left by Recent Security Reforms: Policing and Violence Prevention	15
2.1. Preventive Police Forces	17
2.1.1. Demilitarization & Civilianization	17
2.1.2. Depoliticization	20
2.1.3. Equipment	21
2.1.4. Quality of Personnel	22
2.1.5. Representativity	25
2.1.6. Specialized Units	28
2.2. Private Security Agencies	29
2.3. Criminal Investigative Capabilities	32
2.4. Human Rights and Accountability of Police and Judicial Authorities	34
2.5. "Globalization" and Regional Police Cooperation	38
2.6. Arms Control	39
3. Challenges left by Recent Judicial Reforms: The Judiciary and Violence Prevention	41
3.1. Greater Judicial Autonomy <u>and</u> Accountability	44
3.2. Greater Access to Justice for the Poor	46
3.3. Expanded Access for Indigenous Peoples to Justice and Security	50
3.4. Reconceptualizing Rehabilitation	52
3.5. Alternative Dispute Resolution	52

f

4. Challenges for Civil Society in Violence Prevention	54
4.1. Research and Civil Society Expertise	55
4.2. Civil Society Advocacy	56
4.3. Community-Based Programs, Municipalities and Community-Oriented Policing	58
4.4. The Role of the Media and Public Education	62
4.5. Youth Violence Prevention Programs	64
5. Recommendations	67
Bibliography	74

9

Executive Summary

Experts have recently recognized the need to address problems of violence, insecurity and injustice in order to advance processes of socio-economic development. In addition to their obvious harm to everyday human life, violence and insecurity carry economic costs, pose dangers to democratization, pose health burdens, and threaten whatever social fabric exists. In Central America, violence and insecurity are especially pertinent to medium- and long-term development. Despite experiencing an end to bloody wars, improved human rights, and positive economic growth during the 1990s, the region during the past decade experienced alarming increases in criminal violence. In El Salvador, Guatemala, and Honduras, homicide rates reached alarming proportions in the late 1990s – much higher than almost every country in the world in 1997. Even in long-democratic Costa Rica, the homicide rate jumped by 41% between 1991 and 1998. Increases in murder, kidnapping, armed robbery, and car theft have come to symbolize the disintegration of public security after the end of regional wars, even though all violent crimes did not rise in every country.

Ironically, the rise in violence has occurred alongside sweeping security and justice reforms throughout the region. Reforms have included steps to demilitarize internal policing, reductions in partisan influence over policing and judiciaries, new police doctrines which formally embrace human rights and citizen protection, new government ombudsman's offices designed to protect human rights, new laws providing greater guarantees to detainees and criminal suspects, criminal penalties for intrafamilial violence, and more agile and open criminal justice procedures. This paper examines the accomplishments and shortcomings of these reform efforts. It also examines the rapidly evolving role of civil society in security and justice issues.

In general, the study finds that Central America's justice and internal security systems are generally more civilian, more professional, and more accountable than they were twenty years ago. Government institutions in this area have experienced tremendous advances, and civil society is more engaged, informed, and active with regard to these issues than at any time in the region's history. Similarly, international judicial and police assistance programs show some significant im-

provements over the past decade. USAID, for example, has gone beyond code reform and the creation of specialized police units to focus more on the overall institutional context of criminal justice reforms. Human rights now occupy a central place in the conceptualization and implementation of donor projects, as the region is firmly embedded in an international context formally committed to individual rights and democratic forms of governance.

Nevertheless, serious shortcomings remain. Popular dissatisfaction with judicial processes and police conduct reveal continuing challenges with no ready fixes. Dramatic rises in indicators of violence exemplify the challenges faced. So do instances of people taking justice and security into their own hands, such as local lynchings of petty thieves and the proliferation of private security agencies. Police forces are not fully effective, having failed to establish a relationship of trust, proximity, and service to communities. Judicial systems remain highly corrupt, partisan, and inaccessible to rural, poor, and marginalized populations. Civil society organizations as well as governments require further expertise, along with the ability to translate that expertise into effective policy. International programs have failed to fully recognize these defects and remedy them.

The central recommendation of this study is that Central American actors and international donors seek long-term, multifaceted preventive approaches to adequately address problems of violence and insecurity. No simple, straightforward solutions exist. Consequently, policies that focus on single governmental agencies, such as the police, or on single-minded strategies, such as code reform, are unlikely to succeed. Instead, coordinated preventive measures are necessary, including youth programs, media efforts, and education about violence and its causes, as well as reconceptualized, strengthened, and accountable policing strategies and judicial institutions. Researchers of violence from fields as diverse as health, economics, and sociology are convinced that violence-reduction requires multi-year, multidisciplinary preventive approaches involving multiple governmental agencies working in tandem with civil society.

Integrated violence prevention will involve reoriented security and justice policies on a number of levels. Central America's governments and non-governmental organizations confront genuine problems of

resources for confronting violence and providing security and justice. A strategic response to the realities and opportunities outlined in this document will require addressing three broader challenges in the coming decades: (1) the development of a new, reconceptualized security framework appropriate for the region; (2) addressing the problems of uneven and unequal access to justice and security; and (3) the enhancement of civil society's capacities, roles, and input in violence prevention policies.

For most of Central America's inhabitants, the region's systems of security and justice have historically inspired fear, distrust, and alienation. International actors have frequently contributed to the problems of injustice and insecurity in the region. However, for the first time in decades, conditions in the region and the rest of the world offer the chance to build on new principles, political regimes, and organizations to stem violence through long-term, integrated, multifaceted prevention efforts. We have much yet to learn about which prevention programs work and how well, but the present window of opportunity for building such long-term preventive programs is too important to ignore.

Resumen Ejecutivo

En época reciente los expertos han empezado a reconocer que para asegurar el avance de los procesos de desarrollo social y económico se requiere abordar los problemas de la violencia, la injusticia y la inseguridad. Aparte del obvio menoscabo que causan a la vida de las personas, estos fenómenos comportan además un costo económico, constituyen un peligro para la democratización, representan un riesgo para la salud y amenazan la existencia del tejido social. En América Central, la violencia y la inseguridad son aspectos de especial relevancia para el desarrollo a mediano y largo plazo. A pesar del término de los conflictos armados, de un mayor respeto por los derechos humanos y del crecimiento económico experimentado durante los años 90, en el último decenio se ha venido produciendo un alarmante aumento de la violencia criminal en toda la región. Hacia fines de los 90 la tasa de homicidios en El Salvador, Guatemala y Honduras alcanzaba proporciones alarmantes, superando en 1997 a la de casi el resto del mundo. Incluso en Costa Rica, país de larga tradición democrática, entre 1991 y 1998 la tasa de homicidios aumentó en un 41%. Si bien es cierto que no todos los países experimentaron un aumento de los delitos de violencia, el incremento general de los homicidios, secuestros, asaltos a mano armada y robo de automóviles ha llegado a simbolizar la desintegración de la seguridad pública después del término de las guerras en la región.

No deja de ser irónico comprobar que el aumento de la violencia ocurre al tiempo que en toda la región los ámbitos de la seguridad y la administración de justicia están siendo sometidos a un proceso de reforma orientado a desmilitarizar las fuerzas policiales, morigerar la influencia político-partidista sobre la policía y el poder judicial, formalizar una nueva doctrina policial de protección ciudadana y respeto por los derechos humanos, crear defensorías del pueblo que velen por los derechos de las personas, promulgar nuevos cuerpos legales que otorguen garantías a detenidos y sospechosos, imponer sanciones penales a la violencia intrafamiliar e instaurar procedimientos judiciales y penales más ágiles y abiertos. En este estudio se pasa revista a los logros y falencias de estas reformas y se analiza la rápida evolución del papel de la sociedad civil en los ámbitos de la seguridad y la justicia.

En términos generales, el estudio concluye que en la América Central de hoy los sistemas judiciales y de seguridad interior son menos militarizados, más profesionales y más responsables ante la sociedad que hace veinte años atrás. En este plano las instituciones de gobierno han experimentado enormes avances, al tiempo que la sociedad civil se muestra más participativa, informada y activa respecto de estos temas que en cualquier otro momento en la historia de la región. Asimismo, se observan durante el último decenio mejoras significativas en los programas internacionales de asistencia judicial y policial. USAID, por ejemplo, ya no apoya tan sólo la reforma de los códigos o la creación de unidades policiales especializadas, sino que además privilegia el contexto institucional de una reforma procesal penal de carácter general. Los derechos humanos actualmente ocupan un lugar central en la conceptualización e implementación de los proyectos de los países donantes, en tanto que la región se encuentra firmemente asentada en un contexto internacional de compromiso formal con los derechos individuales y la gobernabilidad democrática.

No obstante lo anterior, subsisten serias falencias. El descontento popular con los procedimientos judiciales y la conducta policial revela la persistencia de problemas que no son de fácil solución. El impactante aumento de los hechos de violencia ejemplifica la magnitud del desafío; lo propio ocurre con incidentes en que las personas se toman la justicia y la seguridad en sus propias manos, fenómeno manifestado en hechos tales como el linchamiento de delincuentes y la proliferación de servicios privados de seguridad. La eficacia de las fuerzas policiales dista mucho de ser la adecuada, entre otros motivos porque éstas no han podido establecer una relación de confianza, cercanía y servicio con la comunidad. Los sistemas judiciales siguen siendo extremadamente corruptos y parciales e inaccesibles para la población rural, pobre o marginalizada. Las organizaciones de la sociedad civil y los gobiernos necesitan de una mayor asesoría especializada, así como la capacidad para transformar esa asesoría en políticas eficaces. Los programas de cooperación internacional no han sido capaces de reconocer a cabalidad estos defectos, y por ende de aportar a remediarlos.

La recomendación central de este estudio es que, para abordar de forma adecuada los problemas de la violencia y la inseguridad, los actores centroamericanos y la cooperación internacional deben buscar

un enfoque multifacético y de largo plazo. No existen soluciones simples y fáciles, de modo que las políticas que sólo apunten a mejorar un determinado aspecto – los servicios policiales, por ejemplo – o las estrategias que privilegien un ámbito determinado – tal como la reforma de los códigos – no tienen mayores probabilidades de alcanzar sus objetivos. Lo que hace falta son medidas preventivas coordinadas, entre ellas programas orientados a la juventud, campañas de prensa, formación sobre la violencia y sus causas y estrategias policiales e instituciones judiciales reconceptualizadas, fortalecidas y con un sentido de responsabilidad ante la sociedad. Los estudios sobre el fenómeno de la violencia realizados por especialistas provenientes de disciplinas tan diversas como la salud, la economía y la sociología coinciden en señalar que su reducción requiere de propuestas multidisciplinarias de largo aliento, en las cuales trabajen de común acuerdo una multiplicidad de servicios públicos y la sociedad civil.

Una propuesta integral de prevención de la violencia requiere repensar las políticas que informan los temas de seguridad y justicia a diversos niveles. Los gobiernos centroamericanos y las ONGs carecen de los recursos que se necesitan para hacer frente a la violencia y entregar seguridad y justicia. Una respuesta estratégica a las realidades y oportunidades que se esbozan en este estudio requiere que en los próximos decenios se aborden tres importantes desafíos: 1) El desarrollo de un marco reconceptualizado de seguridad para la región; 2) El problema del acceso desigual a la justicia y la seguridad; y 3) La potenciación de las capacidades, papel y aporte de la sociedad civil en la formulación de políticas de prevención de la violencia.

Para la mayoría de la población de América Central, los sistemas regionales de seguridad y justicia han históricamente inspirado temor, desconfianza y animadversión. Más aún, los actores internacionales han contribuido frecuentemente a agudizar los problemas de injusticia e inseguridad. No obstante, por primera vez en muchos años, las condiciones en la región y en el resto del mundo ofrecen la oportunidad de desarrollar nuevos principios, regímenes políticos y organismos para controlar la violencia a partir de un trabajo preventivo integral, multifacético y de largo plazo. Todavía queda mucho por aprender respecto de qué programas de prevención son los mejores y hasta qué punto funcionan, pero la oportunidad que se presenta hoy para desarrollar este tipo de programas preventivos de largo plazo es demasiado propicia como para ser desaprovechada.

1. Introduction: Violence and Insecurity in Central America

In recent years, economists, health specialists, sociologists, political scientists, and psychologists have come to believe that issues of security and justice must be addressed to comprehend fully the nature and possibilities for socio-economic development¹. A 1997 World Bank study (World Bank 1997: i) recognized this relatively new perspective for international development institutions, concluding that "crime and violence have emerged in recent years as major obstacles to the realization of development objectives in Latin America and the Caribbean." Violence and physical insecurity carry social and human costs that undermine the overall quality of life². Through injuries and deaths, violence exacts a concrete financial cost in human work years for society. A weak rule of law creates uncertainty in land tenure, contracts, and other economic transactions. It provides incentives for citizens and groups to seek alternative, informal, or private means of justice and security, such as lynchings, which may deepen inequities and remain unaccountable. Furthermore, if governments are unable to protect citizens from violence in society, then unconsolidated democratic practices may be threatened by calls for a reversion to authoritarianism, jeopardizing the political environment for foreign investment and sustainable, equitable economic development.

In Central America, violence is especially pertinent to medium- and long-term development. A region known internationally for its internal wars and human rights violations during the 1980s, Central America has since become known for a different sort of violence: violent common crime. Although some countries of the region have maintained remarkably low crime rates, others, especially countries that were directly affected by warfare, have seen crime rates skyrocket. Crime

¹ See, e.g., World Bank 1997; Buvenic, Morrison and Shifter 1998; Inter-American Development Bank Studies 1997; Londono 1996; Moser 1996; Moser and Holland 1997.

² Some studies have emphasized the health costs of violence in the Americas. See Organización Panamericana de Salud 1999 (Special Issue on Violence), 1997; Guerrero 1997, 1996; Heise 1994.

now consistently ranks among the top public concerns in opinion polls, threatening peace-building, democratization, and demilitarization experiences which have been viewed in other parts of the developing world as surprisingly smooth.

1.1. How Serious are Violence and Insecurity in Central America?

Latin America, with a homicide rate of 30/100.000, was considered the most violent region in the world during the 1990s³. El Salvador topped some global murder rankings in 1996 with a homicide rate of 139 per 100.000 — thirteen times more violent than the United States' lamentably high 10/100.000 rate and over twenty times the global average of 5/100.000 (Cruz et al. 1997, Londono 1996). El Salvador's murder rate dropped in 1998, but even in long-democratic Costa Rica, the homicide rate jumped by 41% between 1991 and that year (see Table 1).

³ The "homicide rate" – i.e., the number of violent deaths per 100.000 inhabitants – is the measure most often used to judge the level of violence of a particular society. Drawing upon health research rather than juridical definitions, the term includes both intentional killings and accidental violent deaths (e.g., manslaughter, car accidents) in most cross-national studies. It can be a misleading indicator of levels of violence for several reasons: less-than-fatal violence (e.g. intrafamilial violence) is overlooked; victims tend to be young males in most societies; and armed conflicts cause a disproportionate number of violent deaths

Table 1: Violent Deaths per 100,000⁴
Central America, 1991-98⁵

Country	1991	1992	1993	1994	1995	1996	1997	1998
Guatemala	63.7	67.5	63.5	69.8	68.3	66.9	75.2	76.9
El Salvador	-	-	-	164.5 (9135)	149.7 (8485)	139.0 (8047)	145.1 (8573)	82.4 (4970)
Honduras	-	-	-	38.2 (2202)	36.8 (2192)	37.2 (2287)	41.0 (2520)	40.7 (2505)
Nicaragua	18.3 (732)	20.0 (826)	17.8 (762)	16.5 (725)	15.6 (707)	15.6 (662)	15.0 (679)	13.3 (639)
Costa Rica	4.1 (132)	4.9 (160)	4.8 (160)	5.3 (182)	5.2 (184)	5.2 (189)	5.7 (210)	5.8 (222)

During the 1990s, kidnappings for ransom increased dramatically in Guatemala, El Salvador, and Honduras, and armed robberies of banks, armored cars, and automobiles became daily fare. In Guatemala, the total number of crimes reported increased by 50% between 1996 and 1998. In Honduras, El Salvador, and Guatemala, kidnappings affected not just wealthy families, but middle-class families as well. Youth gangs proliferated, increasing violence and fear among juveniles. This excerpt from one US newspaper summed up concerns about crime and justice in post-war Guatemala: "Lawyers and judges, not to mention ordinary citizens, worry that police and the courts have become the weak link that will destroy their hopes of forging a new, democratic Guatemala from the scrap metal of the genocidal civil war that ended in 1996"⁶.

⁴ Homicide rate (intentional and unintentional killings per 100,000 inhabitants), with total violent deaths in parentheses.

⁵ Guatemala figures from "Seguridad Ciudadana" chapter of U.N. Development Programme. *Human Development Report for Guatemala 1999*. Guatemala City, based on Instituto Nacional de Estadísticas (1991-95) and PNC (1996-98). El Salvador figures from Fiscalía General (1994-1998), compiled by FESPAD. Honduras figures from Policía Preventiva, compiled by Eugenio Sosa. Nicaragua figures from PNN, compiled by Roberto Cajina. Costa Rica figures from OIJ, compiled by Max Loria.

⁶ Juanita Darling, "Unsolved Murder Weakens Faith in Guatemalan Justice System," *Los Angeles Times*, 30 May 1999, p. A3.

Although surges in crime were most pronounced in El Salvador and Guatemala, the remainder of the region experienced increases in violence, too, especially in the early 1990s. Crimes against persons in Nicaragua, for instance, almost tripled, from 9.392 in 1991 to 25.804 in 1998 (Policía Nacional). In Costa Rica, crimes against life and personal integrity increased by 67% between 1989 and 1993 (Zamora Cordero 1997: 308). Perceptions of violence and crime have also climbed in the region, with polls showing that these issues are increasingly considered to be among the main problems facing societies. From the least violent country in the region, Costa Rica, to the most violent, El Salvador, over two-thirds of all crimes go unreported – meaning the figures understate the scale of the problem⁷.

The most prevalent form of violence in the region remains largely invisible in public discourse: intrafamilial violence. Although a serious problem throughout the region, intrafamilial violence remains underreported and incompletely addressed by state and social actors. In Costa Rica, whose homicide rate is one-twentieth of El Salvador's, some 36% of those polled reported that a woman in their household had suffered physical abuse at the hands of a husband or domestic partner⁸. Laws prohibiting intrafamilial violence have only begun to be implemented, and statistical tracking of the scope of the problem is extremely poor. Necessary transformation of longstanding male-dominated intrafamilial power relations will be difficult and slow.

Although politically motivated violence fell off sharply, social conflict was an increasingly important, but diffuse and variable, source of violence in the region during the 1990s⁹. As armed struggle is decreas-

⁷ *Ibid.*, and surveys by IUDOP as reported in *Estudios Centroamericanos*.

⁸ National survey conducted in 1996 by the Centro Nacional para el Desarrollo de la Mujer y la Familia, San José, Costa Rica.

⁹ Statistics of social protest and conflicts show highly variable but persistent levels over the decade. In Honduras, for instance, incidents of strikes, protests, and demonstrations increased from 62 in 1991 to 170 in 1995 before declining steadily to 81 in 1998 (Preventive Police records, reported by Eugenio Sosa, 1999). In El Salvador, FESPAD reports six strikes or protests in 1991, with fewer in 1992-1998 and 12 in early 1999 (personal correspondence, September 1999). Social conflict in Nicaragua dropped precipitously between 1990 and

ingly seen as an option to remedy perceived or real social ills, protests, strikes, and other forms of social conflict will likely persist as a principal source of collective violence. Finding ways to prevent such conflicts from becoming violent, and to defuse them with minimal force, are challenges which will persist in the coming decades. As exemplified by televised images of Salvadoran police officers beating unarmed paraplegic war veterans in 1995, how the state handles social protests will shape the legitimacy and citizen support enjoyed by public authorities.

Finally, state actors themselves continue to be an important source of violence and crime. The nature of human rights violations has changed dramatically with the end of civil wars and the reduction in serious political crimes such as disappearance, torture, and assassination. However, the undue use of force by police, increased violation of due process, the involvement of some police and military personnel in violent crimes, and politically motivated crimes (especially in Guatemala) persist as important direct sources of insecurity and indirect impediments to social trust and community rapport.

1.2. Increased Violence and Insecurity: Why?

What factors lie behind this recent surge of violence and insecurity in Central America? Only recently have researchers begun to conduct serious studies of the nature and causes of non-political violence in Central America. Although analysts devoted extensive attention to the political violence which swept most of the region during the 1970s and 1980s, other sorts of violence — social violence, criminal violence, and domestic violence — received hardly any attention. Recently the situation has changed, and crime especially has received greater attention within the region.

As Moser (1996: 1) points out, however, "crime" and "violence" are not equivalent¹⁰. Violence may involve nothing illegal (e.g., the beating or

1995 (Saldomando 1999). On the importance of social conflict, see Salomon and Saldomando chapters in CRIES 1999.

¹⁰ "Crime" here is as an act defined by society as punishable by law. By contrast, "violence" is the exercise of physical force which harms or is intended to harm persons or property. The category "crime" tends to vary much more widely

rape of one's spouse is not a crime in some societies), just as some crimes (e.g., fraud, bribery, perjury) may not involve violence. In developed countries, crime has received significantly more attention than violence per se, except where that violence has reflected organized political or interstate warfare¹¹.

Therefore, research on crime in developed countries is a useful point of reference, although much of the work of criminologists has focused on crime and its causes rather than violence. Studies of crime in developed countries have shown that multiple factors, rather than a single decisive factor, are associated with levels of crime. These "associated" factors include a wide array of social and economic conditions which go well beyond the purview of the state's judicial and security apparatus. Although very few studies exist of criminal behavior in Central America, political and sociological studies of the region point to a series of factors associated with crime, especially violent crime. These factors include:

- (1) The aftermath of war, including (a) a surfeit of arms available throughout the region at relatively affordable prices; (b) thousands of demobilized ex-soldiers and ex-guerrillas, trained in the use of arms, uprooted mainly from rural homes and lifestyles, and organized into networks accustomed to exerting power over civilians; (c) a socialization to violence, with populations accustomed to seeing violence as the means to resolve conflicts, a generation of children inured to the effects of violence, and individuals uprooted from communities and families where they felt a greater sense of belonging and accountability; and (d) the necessary disruption of legal systems, internal security forces and other state enforcement mechanisms which, while meriting serious reforms, deterred

across societies than does "violence," although many harmful and violent acts tend to be illegal across almost all cultures and societies. See Moser 1996 and World Bank 1997: 1.

¹¹ Health specialists and the "*violéntólogos*" of Colombia have pioneered the study of violence in Latin America and its links to broader social and health issues.

criminal behavior¹². A conservative estimate of the number of demobilized combatants in Central America since 1990 (see Table 2) shows that almost half a million persons trained in violence have had to seek new employment in difficult post-war economies.

Table 2
 Combatants Demobilized, 1990-1997, Central America¹³

	Soldiers Demobilized	Guerillas Demobilized	PACs/Paramilitaries Demobilized	Total Demobilized
Guatemala	14,000	500 (a)	279,421 (a)	293,921
El Salvador	24,500	12,362 (e)	30,000 (f)	66,862
Honduras	7,085	0 (c)	5,000 (c)	12,085
Nicaragua	72,726	19,000 (c)	0	91,726
Cost Rica	0	0	0	0
Panama	0	0	0	0
Belize	0	0	0	0
TOTAL	118,311	31,862	314,421	464,594

(2) Central America's penetrability. Due to its small size and strategic geographic location bridging South and North America, the region is vulnerable to international organized crime such as drug trafficking, illegal immigration, and auto

¹² See Chapter 4, dedicated to the "boomerang effect" of post-war police and judicial reforms, in Call 1999

¹³ Sources as follows: (a) Stanley and Hoiday 2000; (b) Adam Isacson's *Altered States* (1997); (c) Herbert Wulf's "La desmovilización del personal militar como problema y como recurso potencial para el desarrollo humano" (1994); (d) Roberto J. Cajina's *Transición política y reconversión militar en Nicaragua, 1990-1995* (1996); (e) United Nations, from Montgomery 1995. (f) Call 2000 and Stanley 1996. Column One based upon estimates in above sources. Estimates are as conservative (minimal) as possible. Thus, although El Salvador's Defense Ministry claimed over 63,000 troops in 1990 and the URNG officially demobilized over 2,900 part-time and full-time guerrillas, estimates of those actually rendered unemployed are used. Note that Nicaragua and Panama both demobilized sizable numbers of government troops before 1990. Several thousand demobilized combatants in Guatemala and El Salvador were incorporated into police forces and, eventually, private security agencies.

theft rings (Chinchilla and Rico 1997:9). The small size of the region's economies and their small tax bases make it difficult for states to afford a sophisticated state law enforcement capable of confronting organized international criminal networks.

- (3) Extreme and apparent unequal patterns of wealth, income, and consumption in the region which fuel frustration and make illegal acquisition of wealth more attractive.
- (4) Deficient judicial systems. Despite a need for research on the relationship between injustice and violence in the region, the low probability of arrest, conviction, and incarceration provide little incentive for conformity with the law, especially in countries such as Guatemala and El Salvador where impunity is rampant¹⁴.

All of these broader political, economic and social conditions are associated with increases in violence and crime in other societies, and research on Latin America points to their relevance in the Central American region as well¹⁵. Any long-term attempt to prevent violence and improve citizen security in the region should incorporate policies aimed at addressing these social, educational, and economic conditions which provide incentives and disincentives for criminal behavior.

¹⁴ I am grateful to Rachel Sieder for stressing this point.

¹⁵ See also "Elementos básicos para una estrategia de seguridad pública," Consejo Nacional de Seguridad Publica. San Salvador, El Salvador, September 1996.

2. Challenges left by Recent Security Reforms: Policing and Violence Prevention

The severe problems of violence, insecurity, and the absence of a fully effective rule of law in the 1990s in Central America have occurred alongside efforts to improve the performance of police and judicial institutions. Contrary to what one might expect, judicial and police reforms embedded in dramatic transitions from war to peace have coincided with *more*, rather than *less*, violence. Over the past fifteen years international donors have supported, even sparked, attempts to reform the region's judiciaries and police forces¹⁶. International reform attempts have been driven by several, often competing interests such as suppressing communist guerrilla movements, improving the climate for investment, generating stability abroad, fighting drug trafficking, promoting peace processes, consolidating democracy, and advancing human rights. Particularly important in the judicial reform efforts of USAID and international financial institutions such as the Inter-American Development Bank and the World Bank have been concerns over improving the climate for international economic and financial transactions and investment¹⁷. In general, these efforts have tended to emphasize legal reform and the modernization and professionalization of governmental institutions, focusing on national-level judiciaries and

¹⁶ These reform efforts have usually sought to modify - not to create "from scratch" - new constitutional orders, legal regimes, and judicial institutions and procedures (newly created police forces in Panama, El Salvador and Guatemala are the exception). Democratic forms of government - such as constitutions which separate governmental powers, provide for periodic elections, and enshrine individual rights - have long co-existed alongside authoritarian practices in most of Central America. In the realm of administration of justice, reform efforts have generally sought to modify the informal functioning of existing mechanisms of justice and security, which have tended to protect state security and elite interests rather than serve all citizens and social groups. During the latter half of the Cold War, international powers and national elites contributed to a process of militarization of these institutions in the name of fighting communism, aggravating existing problems of military-style policing and highly corrupt and inefficient judiciaries. Consequently, pre-existing judicial and police institutions have often been among the most salient obstacles to reform.

¹⁷ Buscaglia, Dakolias and Ratliff 1995, Dakolias 1996, Rowat, Malik, and Dakolias 1995.

police forces rather than local-level or indigenous policing or conflict resolution mechanisms. They have also tended to stress efficiency and professionalism, with only recent concern with access to the poor and accountability¹⁸. Economistic and health approaches to violence reduction have emphasized, perhaps to excess, the economic costs of violence, measured through indicators such as disability-adjusted life years (DALYs), health system costs, lost productivity, etc. (Rubio 1998, World Bank 1997, Buvinic et al. 1998). While such measures might have been necessary to get health and financial institutions to begin to examine issues of violence, broader "human" costs of violence — be they social, emotional, psychological or political — also merit consideration.

These recent reform efforts have had some important results. Throughout the region, governments have introduced national-level police forces that are separate from the armed forces high command and Ministries of Defense. Moreover, with the possible exception of Nicaragua (which underwent some reform in 1979), police forces enjoy higher quality personnel than they did ten years ago thanks to higher salaries, more stringent selection standards, better education and specialization, and improved career assurances. Most Central American police forces are more autonomous from political parties than they were fifteen years ago, and their public image and profile are more positive than before reforms occurred. Similarly, those serving on the region's judiciaries enjoy greater independence, professionalism, and career assurances than they did fifteen years ago. More "modern" criminal procedures codes, including expanded reliance upon oral trials and accusatory systems, have also been introduced throughout the region. Moreover, organizational mechanisms for the protection of human rights — including Human Rights Ombudsmen, constitutional and legal due process guarantees, and legislative and regulatory oversight offices — have contributed to the overall level of accountability and recourse for victims of abuse.

¹⁸ See Correa 1999; Mendez et al 1999; Buscaglia and Dakolias 1996; Buscaglia, Dakolias and Ratliff 1995, Dakolias 1996; Rowat, Malik, and Dakolias 1995; Hammergren 1997.

Yet, recent reforms have not eliminated severe deficiencies among the judicial and internal security systems of the region. The dramatic increase in perceived and recorded crime is testament to the ineffectiveness of reformed police forces in preventing and investigating crimes and of judicial systems in adjudicating criminal cases. Despite receiving extensive equipment and training assistance from donors, criminal investigative units remain plagued with serious problems of incompetence, corruption, and penetration by organized crime. In general, internationally backed reforms have proven better at getting rid of "bad" old traits such as overt militarization and politicization than at introducing "good" new police and judicial practices which are effective, accountable, and publicly accepted and supported. Even where new police and judicial personnel have been part of revamped criminal justice systems, corruption has persisted. Indigenous communities, even those which have some local conflict resolution mechanisms, fall almost wholly outside the formal justice system, and domestic violence is extremely serious (Heise 1994; Buvenic, Morrison and Shifter 1998; Morrison and Biehl 1999). Perhaps most important, the great majority of Central Americans continue to regard procedural justice as something to which wealthy and well-connected individuals have access, but marginalized sectors — especially the poor, uneducated, women, indigenous persons, and children — do not.

Below I examine the accomplishments and shortcomings of reforms as they relate to three broad groups of actors: citizen security; judicial systems and the rule of law; and civil society as protagonist in issues of security and justice.

2.1. Preventive Police Forces

2.1.1. Demilitarization & Civilianization

Since 1989, police reform efforts in Central America, backed by international donor programs and policies, have gone far to reduce military influence and characteristics within the police forces of the region. Whereas only three police forces were formally independent of the

armed forces high command in 1978, now all seven countries enjoy police forces which are separate from the military, under civilian-led ministries¹⁹. As the decades-long formal separation from the military of Guatemala's National Police illustrates, however, nominal separation from the armed forces high command does not guarantee a civilian-oriented police force.

Other elements of the demilitarization of policing in Central America underscore the important advances achieved in the 1990s. The police doctrine of most Central American countries now emphasizes not the defense of the state or the constitutional order, but the service and protection of citizens. This shift is enshrined in new police academies created largely to remove military influence and the old focus on state security. In Guatemala, El Salvador, and Honduras, the creation of new police forces also separated senior police officials who used to be active-duty military members from the army and its chain of command. In addition, side arms more appropriate for the minimal use of force replaced long firearms in the hands of everyday patrol agents in most of the region's police forces. Domestic intelligence services, formerly under military control in most of the region, have passed to civilian command in every country. In general, internationally backed reform efforts have been relatively successful at purging the prior influence of the military from the region's new civilian policing²⁰.

However, it has been easier to remove formal military traits from policing than it has been to create sustainable, internalized (among

¹⁹ Costa Rica eliminated its military in 1948; Guatemala moved its National Police to the Interior Ministry in 1955; and Belize maintained a police separate from the military after independence from Great Britain. In 1979, Nicaragua placed its new, post-revolutionary police under the Interior Ministry; in 1989, Panama informally eliminated its armed forces, converting its remnants into a new national police force. El Salvador created a National Civilian Police separate from the military in 1992; Honduras shifted its renamed National Police to interim civilian control in 1997 and to a new Security Ministry in 1998. For more details, see my "From Soldiers to Cops: 'War Transitions' and the Demilitarization of Public Security in Latin America and the Caribbean," Ph.D. Dissertation in Political Science, Stanford University, 1999 (hereafter Call 1999).

²⁰ In Nicaragua, the 1979 revolutionary victory resulted in a demilitarization of the police, although a high degree of political partisanship ensued.

police personnel) and socially accepted (among the population) models of *civilian* policing centered upon citizen protection. Most of the instructors in police academies in Panama, Honduras, and Guatemala are the same instructors that served under the prior militarized system²¹. Internal regimens of police academies throughout the region emphasize a military-like corporate identity, reinforcing "us-vs.-them" attitudes toward the general population. The use of Spanish Civil Guard personnel to oversee training of the new National Civilian Police in Guatemala has elicited criticism for an excessive militarism in the content and form of education (Byrne, Garst and Stanley 1999; Stanley and Holiday 2000).

Central Americans dissatisfied with the old way of policing have not embraced any clear alternative — either conceptually or operationally — to prevailing structures. In Guatemala, Panama, El Salvador, and Honduras, police agents continue to live in barracks or police stations rather than in their own homes or rented rooms in the communities they serve²². Police in many countries (Nicaragua and Costa Rica are exceptions) continue to patrol mainly in large groups in the back of pick-up trucks, rather than circulating and interacting with members of a specific beat. High levels of violent crime together with extremely high on-duty death rates for police officers have contributed to a sense of distrust among Salvadoran, Guatemalan, and Honduran police toward the population.

Consolidation of the gains in civilianization will be a challenge for the next two or three decades in Central America. The effort will involve not only the continued institutional development of national police forces' autonomous operational, planning, and budgeting capabilities, but also a learning process of interaction with superior ministry-level officials and with collaborating governmental agencies. Continued definition of militaries' roles in internal security will affect this process. The largely

²¹ Internal assessments by teams of evaluators of US Justice Department police assistance to Panama and Honduras in 1997.

²² Despite the formal ending of *acuartelamiento* in El Salvador in 1998, police personnel continued to sleep and live in police stations informally during their tours of duty. Author interviews, July 1998.

U.S.-inspired push to "militarize" anti-narcotics activities endangers gains in civilianization²³. Moreover, serious debate with civil and political society about the nature of "civilian," "democratic" and/or "community-oriented" policing in the region would help define what model of policing will succeed the old military models as appropriate and optimal for each society in the region²⁴.

2.1.2. Depoliticization

One of the causes offered for the militarization of policing in Central America during the Cold War was the political partisanship within some countries' police forces from the 1930s through the 1950s²⁵. One of the most overlooked achievements of the Central American peace processes is the initiation of police forces which are under civilian control but are not controlled by a single political party or used for overtly partisan purposes. For perhaps the first time in Central American history, police demilitarization has not led to partisanship.

However, political party influence persists in some countries of the region. In Costa Rica, legislators in the late 1990s rejected a bid to eliminate the ability of the winning political party to appoint most mid-level police commanders following every presidential election²⁶. Their concern was that the reduction of party influence would open the way

²³ By "militarization," I refer to both the involvement of the armed forces in anti-drug activities and the adoption of paramilitary armaments and tactics by police forces. See WOLA 1999, 1991, Bagley 1992.

²⁴ More detailed discussion of community-oriented policing occurs below under the section entitled "Civil Society and Marginalized Groups."

²⁵ The military character and influence within the Guatemalan National Police was partly a reaction against the politicization of policing during the 1944-1954 democratization period. Similarly, the Honduran armed forces cited the politicization of the Civil Guard between 1959 and 1963 to exert military control over the police in 1963. Although police forces were generally controlled by highly influential political parties in Costa Rica and Nicaragua, militarization reduced the ability of political parties to name police personnel and control policing operations in Guatemala, Honduras, and El Salvador. In these authoritarian, non-sultanistic regimes, state-controlled policing was politicized and militarized, but not partisan.

²⁶ Author conversation with Laura Chinchilla, former Minister of Security of Costa Rica, August 1998.

to an autonomous, semi-militarized police force which would, like the constabularies of Panama and Nicaragua in the 1930s and 1940s, become a powerful unopposed armed force mired in political governance (Millett 1977, Guevara Mann 1996, Arias Calderon 1994). This concern is understandable; however, such practices are not necessarily advisable. When police appointments, promotions, and longevity are based upon non-merit considerations, technical police competence suffers. In Nicaragua, despite a high degree of political partisanship in police selection and promotion, police-community relations remain relatively positive except in some formerly conflictive zones. Since 1996, with a new police organic law and amidst great pressure from the U.S. Congress, the Nicaraguan government has taken steps to reduce partisan criteria in police selection and assignments.

2.1.3. Equipment

Because international technical advice to police forces usually costs relatively little, the majority of international police aid tends to take the form of equipment and training courses²⁷. Despite the attention given by donor country officials to the broader institutional context and overall institutional development of police and judicial institutions, the nuts and bolts of such aid programs are generally the delivery of equipment and training courses. Consequently, the "tail" can begin "wagging the dog," as delivery of goods and services becomes an end in itself. Success may end up being measured by how many courses and pieces of equipment have been delivered to the satisfaction of the recipient police force, rather than the quality of overall institutional development, including how well equipment is maintained, how well trainees incorporate their training into operations, and how effectiveness and community-police relations improve as a result of training and better equipment. Often equipment is not the most urgent or appropriate requirement for police operations. "Clientitis" can also be a problem: donor-country police professionals charged with developing assistance

²⁷ Equipment also tends to permit donors to facilitate the production and sale of goods (e.g., communications equipment, vehicles, computers) manufactured by their nationals with accompanying opportunities for future maintenance.

plans may err too far on the side of taking counterpart officials' preferences into account, uncritically accepting their requests without a view to the overall institutional development of the police (or judicial, etc.) agency involved.

Despite the limitations and problems of providing equipment to foreign police forces, Central America's police forces have important equipment requirements and are likely to have them for the next two decades. Although budgets for national police forces increased significantly during the late 1990s, the number of patrol officers per vehicle remains high, reducing the ability of police agents to circulate in small numbers among the population. Access to computerized data and networks remains limited, although these needs vary from country to country²⁸. Objective diagnoses of equipment needs are imperative and can best be met by international cooperation.

2.1.4. Quality of Personnel (Career, Training, Salary, Selection Standards)

Recent police reforms in most of the region have left the quality of police recruits and officers much improved over twenty years ago. As policing is increasingly viewed as a profession, forced recruitment has ended and higher selection standards have been adopted. These changes are most pronounced in El Salvador and Guatemala; Panama and Honduras have largely preserved previous personnel and officer corps. During the 1990s, new organic police laws were approved in El Salvador (1992), Costa Rica (1994), Nicaragua (1996), Guatemala (1997), Panama (1997), and Honduras (1998). All stressed the professional nature of policing and set forth more stringent selection standards and processes. Education levels were raised, largely through higher scholastic requirements for entry into reformed police forces in Panama, Guatemala, and El Salvador. In an attempt to attract better candidates and to deter corruption, salaries were raised considerably in several countries, although those of poorer Honduras and Nicaragua

²⁸ Panama, for instance, has a more sophisticated information processing capability than its neighbors.

remain fairly low (see table below). The figures reveal a troubling legacy of militarized policing: a serious salary gap between lower-level agents and officer-level personnel, especially in Honduras and El Salvador. Career police laws in some countries have introduced merit-based standards for review, promotion, and selection which might reduce the arbitrary, personalistic, or politicized nature of career decisions.

Table 3
Monthly Salaries of Police, Central America²⁹

	Entry-level Salary, Agent			Entry-level Salary, Officer Level		
	Local Curr.	\$ US	Sal/GNP per cap	Local Curr.	\$ US	Sal/GNP per cap
El Salvador	C2800	322	240%	C7150	822	612%
Honduras	L1200	92	180%	L2652	203	406%
Nicaragua	C1108	96	300%	C1409	115	363%
Costa Rica	C66.050	304	140%	C70.450	324	149%
Panama	B350	350	153%	B500	500	218%

Furthermore, most Central American governments have increased both the numbers and the budgets of police forces in the region during the 1990s, partly in response to perceived and actual rises in crime rates. The total number of government police personnel in El Salvador grew from 14,700 in 1991 (Call 1999) to 16,493 in 1999. The Guatemalan PNC, currently 13,206, will number 16,000 by the end of 1999 (see Table 4). During the 1990s, police personnel grew almost twice as rapidly as the general population, lifting the number of Panamanian

²⁹ Sources: El Salvador: Budget, Ministerio de Seguridad Pública 1996; Panama: Dirección de Recursos Humanos, Policía Nacional, July 1997; Honduras: Oficina de Recursos Humanos, Policía Nacional, November 1997; Nicaragua: Policía Nacional, August 1999, provided by Roberto Cajina; Costa Rica: Dpto. de Recursos Humanos, Ministerio de Seguridad, reported by Max Lona for 1998 (The Ley de Presupuesto proposed significant increases of 7%-11% for 1999). Monthly salaries were annualized to obtain the "Sal/GNP per capita" percentage. GNP/capita based on World Bank, *World Development Report 1997*, pp. 214-15.

National Police personnel per thousand persons from 4.1 in 1991 to 4.9 in 1997³⁰.

Table 4
Total Police Personnel, Central America, 1999³¹

	Total Police per 100,000 Inhabitants	Total Police Personnel
Guatemala	122	13,206
El Salvador	273	16,493
Honduras	150	9,205
Nicaragua	126	6,076
Costa Rica	276	10,594
Panama	442	11,625
Region	195	67,199

Budgets for internal security also increased markedly across the region in the course of the 1990s. For example, the portion of El Salvador's government budget dedicated to public security more than doubled between 1991 (3.4%) and 1998 (7.8%), peaking at 9.11% of central government expenditures in 1996³². Similarly, the portion of Costa Rica's budget devoted to the Security Ministry increased by 50% between 1993 and 1996.

Despite these improvements, serious challenges remain for the quality of police personnel in the region. Police ultimately reflect the society to which they belong, and low levels of literacy mean that even better educated police personnel sometimes cannot read or write well enough to fill out accurate reports or interact with the public in an effective

³⁰ Draft report, "Assessment of the ICITAP Program for the Development of Panama's Police Systems, 1994-1997," internal ICITAP document, September 1997.

³¹ Police totals include criminal investigators but not administrative personnel in Panama's PTJ, Costa Rica's OIJ, and Honduras's DIC. Totals are for National Civilian Police of Guatemala and El Salvador, and for National Police of Nicaragua. All figures for 1999 except for Panama (1995). Population based on 1998 figures from PNUD, *Estado de la Region*, July 1999.

³² Ministerio de Hacienda, figures collected for this project by FESPAD, 1999. For Costa Rica, figures collected by Max Loria for this project from the Ministerio de Seguridad, September 1999.

crime prevention program. Many police throughout the region continue to view their jobs as static guard duty of buildings, or responding to public order threats when called. Using minimum force as a last resort to resolve conflicts requires greater individual judgment and initiative than using repression. Improved education can facilitate conflict prevention, but higher salaries must accompany augmented educational requirements to attract and retain personnel. Career laws and better regulations would also enhance the motivation and longevity of personnel. Classroom training has been perfunctory and followed by inadequate field training in many cases. Where few senior police personnel committed to citizen-oriented policing exist, field training will be deficient and may reinforce prior authoritarian practices. International actors generally do not have the personnel or resources to provide an array of field advisers and on-the-job trainers, creating a gap in police development. In addition, the region could use more police; Central America's rate of 195 police per 100,000 inhabitants is lower than countries such as the United States (285), France (318), and Spain (266).

2.1.5. Representativity

As underscored by well-publicized, ethnicity-linked police abuses in the United States and European countries, the inclusion of important social groups at all ranks of police forces is an important element of addressing the security considerations of those groups. A little-noticed change within the region's police forces during the past several years is the inclusion of more women and indigenous persons as members of the region's police forces. Although women have reached senior posts within the Costa Rican and Nicaraguan police, only recently did reformed police forces in El Salvador, Guatemala, and Panama begin to admit and recruit women. Unfortunately, as Table 5 shows, women continue to represent a very low percentage of police personnel in the region. In the entire region (except Guatemala, where figures were unavailable), only 8% of police personnel were women in 1999. Reflecting the legacy of women's roles in the revolution, Nicaragua's National Police is a notable exception, with 21%. Its Commission on Gender requires follow-up policies to advance the careers of female police officers, setting a model for the region. At present, few women have the opportunity to hold the most senior posts within the region's

police forces. In Honduras, where women have participated in the main preventive police for years, only 9 policewomen ranked among the 479 upper-level police officers in late 1999³³!

Table 5
Representativity in Central American
Police Forces, 1999³⁴

	# of Women Police Personnel	Female Police as % of Total	Indigenous Police as % of Total
Guatemala	n/a	n/a	n/a
El Salvador	1,049	6.4	n/a
Honduras	258	3.3	n/a
Nicaragua	1,316	21.7	n/a
Costa Rica	535	6.3	n/a
Panama	1,000	8.6	9
TOTAL	4,158	8.2	n/a

Although the Guatemalan and Panamanian police forces have begun to recruit indigenous candidates for their police academies, the numbers remain low, especially for the 22 Guatemalan groups for whom Spanish is not the first language. The refusal of the new Guatemalan Police Academy leadership to offer courses in indigenous languages, provide interpreters, or slow down Spanish-language instruction has meant that indigenous police students have neither felt welcome nor enjoyed great success. The Guatemalan government has failed to reach out and recruit indigenous candidates. Many of the early indigenous candidates who did enroll were migrants who had lived in cities for some years and may be reluctant to deploy to rural indigenous communities³⁵. In Panama, efforts to recruit indigenous candidates have been inadequate. Additional strides to recruit, train, and promote indigenous candidates will be required in the coming decades.

³³ Numbers collected by Eugenio Sosa for this project from Dirección General, Policía Preventiva, September 1999.

³⁴ Sources identical to Table 1. For Panama, Costa Rica, and Honduras, figures exclude criminal investigative forces. All figures for 1999 except Panama (1995).

³⁵ Author interview with Carmen Rosa de León, July 1999, Guatemala.

Table 6
Institutionalization of Efforts against Intrafamilial Violence (VIF)
in Central America³⁶

Country	Inter-Agency Plans/Programs to Prevent VIF	Government Institutes for Women's Issues	Specialized Police Units	Specialized Courts Handling VIF	Prosecutor's Offices	Human Rights Units
Belize	National Plan for Attention to VIF	Office for Women	n.a.	Family Court	n.a.	n.a.
Guatemala	Program for the Prevention and Eradication of VIF (PROPEVI)	National Office of Women (ONAM)	No specialized units	Family Courts	Women's Unit, Office for Attention to Victims, Public Ministry	Advocate for Women's Rights (DEFEM) of the Human Rights Advocate's Office
El Salvador	Program for Healthy Family Relations	Salvadoran Institute for Women (ISDEMU)	Dept. for the Protection of the Family, Minors and Women	Family Courts	Unit for Crimes against Women and Children	Assistant Advocate for Women's Rights, Office of the HR Advocate
Honduras	No plan. There is an Inter-Institutional Technical Commission	Institute for Women	Women's Unit, Criminal Investigative Div.	n.a.	Special Prosecutor for Crimes against Women	n.a.
Nicaragua	No plan. A National Commission Against Violence is preparing a plan against violence	Nicaraguan Inst. of Women (INIM)	Consultative Council on Gender of the Nat'l. Police. Separate Offices for Women, Youth. Police are part of Local Networks for Integral Attention to Victims of VIF which include NGOs.	n.a.	n.a.	n.a.
Costa Rica	National Plan for Attention to and Prevention of VIF carried out by National System for Attention to and Prevention of VIF	National Institute for Women (INAMU)	Center for Attention to Victims of VIF at the Judicial Technical Police	Family Courts	Prosecutor for Domestic Violence & Sex Crimes, Domestic Violence Unit	Advocate for Women's Rights within the People's Defender Office
Panama	No plan. There is a Program "Promotion of Equal Opportunity in Panama"	National Directorate for Women, at the Ministry for Youth, Women and Children	Center for Attention to Victims of VIF at the Judicial Technical Police	Special Juvenile Courts	Special Prosecutors for Family and Youth issues	n.a.

³⁶ This table was prepared with the help of the Fundación Género y Sociedad (GESO) in Costa Rica. Part of the information is from papers presented at a regional workshop on "Políticas Públicas para la Atención de la Violencia Intrafamiliar", San José, September 1997, organized by the governments of Costa Rica and Mexico in the context of the Tuxtla-Gutiérrez II Presidential Accords. The data has been updated in consultation with government officials. n.a. = Not Available; VIF = Intrafamilial Violence; H.R. = Human Rights

Perhaps more important than the incorporation of women into the ranks of police forces, the region's governments have also taken steps to enforce new laws criminalizing violence against women and children. Separate court jurisdictions for the family have been adopted in El Salvador, Belize, Guatemala, and Costa Rica. In Panama, the establishment of a separate center to handle complaints of intrafamilial violence and provide emotional support for its victims has been welcomed. Spurred by international conferences, regional presidential summits and non-governmental pressures, the region's governments have created a host of new institutions to advance the establishment and protection of women's rights. Table 6 demonstrates the myriad institutions developed in the 1990s to address intrafamilial violence. Because efforts to prevent such violence are in their infancy, these institutions will require further consolidation, resources, and technical expertise in the coming decades.

2.1.6. Specialized Units

Because of the high degree of resources, specialization, and experience of their own police forces, international donors can often make a unique contribution to specialized units of Central American police forces. Donors have contributed most to anti-narcotics, criminal investigations, SWAT, and riot control – all areas where Central American forces have historically been weak. Foreign methods may not be entirely appropriate for the less-funded police forces of the region (too capital intensive, e.g.), but certain training, equipment, and technical advice may best be found outside the region. The specifics of specialized training will depend upon the needs of each country.

International assistance to specialized units, however, should be viewed with particular caution. Often the delivery of specialized courses has less to do with the needs of the recipient government than with the security and foreign policy objectives of the donor. For instance, riot-control training and anti-narcotics assistance largely reflect donor interests in ensuring economic stability abroad and in stemming drug trafficking. Such aid also addresses real security concerns within Central America, but donors and recipient governments should be certain that it is designed and delivered in such a manner as to advance, rather than undermine, broader institutional development and

democratization objectives (Kincaid and Gamarra 1995, 1994; WOLA 1991, 1998).

2.2. Private Security Agencies

Organized private actors have historically played an important role in generating violence in Central America. However, the 1990s witnessed an important change in the nature of private organized violence in the region. Whereas government-affiliated civil defense units, *fincas*-operated enforcement squads, and politically motivated death squads predominated during prior decades, these forms of private organized violence have diminished in recent years (McClintock 1985, Call 1999). Throughout the region, "classic" death squads — that is, private armed groups engaging in assassination and other illegal acts principally for political motivations — reduced their activities significantly with the end of the wars of the 1980s. Some of these groups became criminal organizations acting principally for profit, posing some of the most serious threats to citizen security³⁷.

In their place, more conventional private security agencies organized along North American models emerged and multiplied rapidly during the 1990s. Formal private security companies — stationary guard services, private detective agencies, neighborhood watch organizations, and bodyguard services — were relatively few before 1988, despite many informal neighborhood vigilante arrangements. In El Salvador, for example, such firms numbered fewer than ten, playing a small role outside of large factories, financial institutions, and foreign-owned enterprises (Call 1999). Within three years of El Salvador's peace agreements, however, private security companies had skyrocketed in number to almost eighty (80)³⁸. As the table below demonstrates, private security agencies proliferated in the rest of the region as well.

³⁷ See, e.g., the Grupo Conjunto's "Report on Illegal Armed Groups," El Salvador, July 1994.

³⁸ September 1995 list of all private security firms registered with the PNC, author files.

The existence of private security services per se does not represent a "problem" for security and justice in Central America. These agencies have become an important repository for unemployed ex-military (and ex-guerrilla) personnel who might otherwise turn to common crime to make a living³⁹. In addition, they supplement the activities of public police agencies, letting police forces deploy for crime prevention rather than less demanding static guard duties.

Table 7
Private Security Agencies, Central America⁴⁰

	Previous #, Agencies	Recent #, Agencies	Estimated #, Private Agents
Guatemala	40 (1997)	114 (1999)	35.000
El Salvador	15 (1993)	149 (1999)	70.000
Honduras	N.A.	36 (1999)	N.A.
Nicaragua	8 (1995)	47 (1999)	6.260
Costa Rica	20 (1994)	204 (1997)	5.141
TOTAL	83	550	116.401

As currently constituted, however, private security agencies pose serious problems. In Guatemala and El Salvador, these agencies make overall security systems deeply unequal and unaccountable. First, the burgeoning number of private security agencies reflects and reinforces socio-economic inequities which translate into unequal access to physical security. If a government as a matter of policy relies upon private security efforts without dedicating adequate resources to violence and crime prevention, it abdicates one of its core functions. To the extent that private security efforts become an excuse not to invest in public security forces and violence prevention, the poor are left

³⁹ Interviews in El Salvador indicate that well over half the personnel of these agencies are ex-military personnel. See Call 1999.

⁴⁰ Sources as follows: Guatemala: De León, Ogaldes and López 1999, "CIG: Sector Productivo, protegido por 60 mil guardias privados," *Siglo Veintiuno*, 16 julio 1999, p. 3. The figures cited here are from PNC authorities: one private sector study estimates some 60,000 private security agents and 260 unregistered agencies. El Salvador: Call 1999. Costa Rica: Ministerio de Seguridad Pública, provided by Max Loria.

unprotected, deepening unequal access to security and fueling further privatization of security.

Second, the weak checks and controls over these agencies create the possibility that private security guards might themselves become a salient source of violence. During the 1980s in El Salvador, several death squads were organized as formal or informal private security groups (Stanley 1996). Most countries of the region have in recent years adopted laws which regulate private security agencies, usually requiring registration and in some cases training of security guards⁴¹. Yet, the authorities charged with enforcing these laws readily admit that compliance is very weak and that dozens of small private security agencies operate illegally in the region. MINUGUA estimated in March 1999 that almost three times as many private security agencies operated illegally as operated legally⁴². The police units charged with oversight of private security agencies tend to be small and underfunded. Already stretched police departments are reluctant to undermine potential allies by closing down private security agencies because of perceived "technicalities."⁴³ In addition, most private security agencies are managed by former military officers (Call 1999). Bolstering enforcement of oversight efforts and enforcement will be an important element in ensuring that the region's private security forces, which in

⁴¹ In El Salvador, for example, before 1994 no law governed private security agencies, which in practice simply had to obtain the signature of the Defense Minister to operate. In February 1994, legislative decree 818 empowered the PNC to "exercise oversight and supervision over all mechanisms which might emerge from civil society." It required all private security services to meet a lengthy list of requirements for authorization to operate. These requirements included providing a list of all employees and arms to the PNC; certifying that all private security guards had completed ninth grade, had passed psychological examinations, and had taken courses in basic police procedure and human rights administered by the National Public Security Academy; and leaving a hefty insurance deposit with the state to cover damages to private guards or third persons from negligence by the security firm or association (Article 18). See Call 1999.

⁴² MINUGUA stated that of 200 private security agencies reportedly operating in the country, only 55 were legally registered. "Noveno Informe sobre Derechos Humanos," Document A/53/853, Guatemala, para 75.

⁴³ In El Salvador, most private guards failed to meet the legal requirements for membership in private security agencies as of 1995. Call 1999.

some cases vastly outnumber public police, do not become an important contributor to organized criminal activity.

2.3. Criminal Investigative Capabilities

Detective units are crucial to the performance of law enforcement agencies because their investigations often determine whether or not murderers are prosecuted or go free, whether well-connected or wealthy individuals can engineer or purchase impunity for serious crimes, and whether or not intelligence is misused. Criminal investigative units which are clean, fearless and competent always hold the potential to investigate and expose corruption, even inside the police. As a result, the extent to which a police force is corrupt depends largely upon the extent to which its criminal investigative units (and internal affairs units) are corrupt. Through the networks of informants they maintain, investigators are often the main channel of information and monitoring between the state and the "underworld" of career criminals and organized crime.

A significant portion of international police assistance to Central America has been directed at improving criminal investigations capabilities. U.S. aid has gone to the criminal investigative units of the old and new police forces of El Salvador, Honduras, Panama, and Guatemala, as well as to detective units in Costa Rica and Nicaragua⁴⁴. The United States has focused much of its police training and advice to Panama and Honduras on these specialized investigative police forces⁴⁵.

⁴⁴ The United States, mainly through the Justice Department's International Criminal Investigative Training Assistance Program (ICITAP), has been the single most important donor. Call 1998.

⁴⁵ Author interviews with ICITAP officials in these two countries and in Washington, D.C., 1997. In Panama, Honduras (from 1994 to 1998), and Costa Rica, the criminal investigative work is handled by a separate "judicial" police following the French model.

Table 8
Criminal Investigators, Central America, 1999⁴⁶

	# of Criminal Investigators	% of Total Police Personnel	Criminal Investigators per 100 000 Inhabitants
Guatemala	472	3.6	4.4
El Salvador	340	2.1	5.6
Honduras	800	8.7	13.0
Nicaragua	915	15.1	19.0
Costa Rica	715	6.7	18.6
Panama	n/a	n/a	n/a
TOTAL	3 242	5.8	10.3

Yet, criminal investigative units in most of the region suffer persistent problems of ineffectiveness. Links between holdover ex-military detectives and their former military colleagues have contributed to impunity and cover-ups for ex-colleagues implicated in murder and other criminal activity⁴⁷. Military intelligence continues to influence the operations of criminal investigations in Guatemala⁴⁸. In the cases of the Criminal Investigative Divisions of El Salvador and Honduras and the Technical Judicial Police of Panama, the selection, training, and supervision of new investigators hired after the ouster or departure of previous detectives created serious problems which continue to plague these institutions (WOLA/Hemisphere Initiatives 1996, Call 1999).

Furthermore, as one former Security Minister put it, the region's police still "detain in order to investigate" rather than "investigate in order to detain."⁴⁹ Investigators often are unable to arrive quickly at crime scenes to collect and preserve evidence adequately, and a bureau-

⁴⁶ Sources identical to Table 1. Number of criminal investigators includes only sworn personnel assigned to investigative functions. All figures for 1999, except Honduras (1998) and population estimates (1998).

⁴⁷ On El Salvador, e.g., see William Stanley's WOLA/Hemisphere Initiative report, 1996.

⁴⁸ Personal interviews conducted for this project in Guatemala, July 1999.

⁴⁹ Comment of Laura Chinchilla, former Minister of Public Safety, Costa Rica, at workshop for this project held in Managua, Nicaragua, August 1999.

cratic "wait for orders" attitude trumps individual initiative in investigations. Assistance has tended to focus too much on high-tech equipment rather than on inculcating good investigative habits. Furthermore, as the table above demonstrates, the numbers of detectives in the region remains low. Despite the mixed record of assistance to such forces, criminal investigative units will clearly require significant attention from the region's governments and international donors in the coming decades. The selection, initial training, and mentoring of new investigators are areas of special need, as is the strengthening of mechanisms for controlling corruption and abuses. Central American governments, with donor support, should terminate all outside influences in investigations — be they from political parties, intelligence agents, or military personnel.

2.4. Human Rights and Accountability of Police and Judicial Authorities

Along with the reduced role of the armed forces, perhaps the most dramatic shift in the security arena in Central America over the past fifteen years is the emergence of norms and institutions aimed at ensuring that governmental forces respect internationally recognized human rights standards. Reflecting shifts at the global level, reforms to Central America's military forces, police forces, and judiciaries have officially embraced internationally recognized political and civil rights. Military doctrines now incorporate respect for human rights, as do newly reformed police doctrines throughout the region. Non-governmental human rights organizations generally have less antagonistic and more constructive relationships with state agencies⁵⁰. New human rights ombudsmen and equivalent offices have been created in each country of the region, improving governmental responsiveness to and promotion of human rights concerns. Most important, indicators of the most serious human rights violations — especially politically motivated murders, disappearances, and torture — have dropped dramatically

⁵⁰ In a recent instance of collaboration between human rights NGOs and police forces, the Honduran Human Rights Commission (CODEH) reportedly reached an agreement to help design human rights education for the newly independent National Police of Honduras in September 1999. See "CODEH y Policía se unirán para educar a los agentes," *El Tiempo*, September 9, 1999.

over the past ten years. International assistance has tended to strengthen formal and institutional commitments to political and civil rights⁵¹.

With these changes, human rights issues have shifted from military forces to police and judicial bodies. More human rights abuses are attributed to police and judicial bodies in most of the region than to any other state entity. In Nicaragua, for instance, 54% of all complaints received by the non-governmental Centro Nicaragüense de Derechos Humanos (CENIDH) were attributed to the National Police, followed by 15% charged to the judiciary, with no other entity receiving more than 11% of complaints (CENIDH 1997: 66). Similarly, in El Salvador during the same year, complainants to the Human Rights Ombudswoman charged the National Civilian Police (PNC) with 45% of human rights violations. The judiciary was charged with 19%, with no other state entities receiving more than 13% of total complaints⁵². Public perceptions reflect these numbers; opinion polls in El Salvador show that, after "criminals," respondents cite "the PNC" as the entity most prone to violate rights⁵³. The high levels of complaints against police and judicial authorities reveal the serious need for greater mechanisms of oversight and accountability among these state employees.

One significant advance in the realm of human rights in Central America over the past decade is recognition of the need for effective oversight mechanisms of police, military, and other state institutions⁵⁴. New

⁵¹ In some cases, such as European assistance to ombudsmen offices and their equivalents, international aid has been decisive in the creation and sustenance of institutions dedicated to the defense and promotion of human rights. Such policies contrast with some international policies during the Cold War which undermined commitments to human rights.

⁵² Procuraduría para la Defensa de los Derechos Humanos. *Evolución de los derechos humanos en El Salvador. Informe Anual 1997*. San Salvador, 1998. pp. 8-11.

⁵³ See "Los salvadoreños opinan sobre los derechos humanos y la gestión de la procuraduría [para los derechos humanos]." *ECA*, No. 594, April 1998, p. 365.

⁵⁴ On police accountability, see Chevigny 1995, Stenning 1995, Bayley 1985, O'Rawe and Moore 1997; proceedings and papers from the conference "Mecanismos de Control Democrático en el Mantenimiento de la Seguridad Interior," in Santiago, Chile, August 1997, and papers from the 1998 Vera

civilian police forces have included "internal" oversight mechanisms backed by internal disciplinary regulations⁵⁵. Whereas internal police and military oversight units in the past frequently assisted in the cover-up of human rights violations, newly created units have operated with greater autonomy and assisted in curbing physical abuses and corruption. However, they have failed to prevent newly reformed police forces from experiencing growing problems of corruption or the serious human rights abuses which have tarnished the reputations of new police forces in El Salvador and Panama. In general, these internal control units have been weak, understaffed for the caseloads they confront, and extremely slow to make recommendations for disciplinary actions. Even when internal oversight units work, police leadership often undercuts them⁵⁶.

"External" oversight mechanisms of the conduct of police and other state agents can take many forms⁵⁷. In most European and North American developed countries, external controls are designed to supplement the operation of internal controls. For example, ombuds-

Institute project (case studies of Rio de Janeiro, Brazil; Romania; Hungary; Russia; San Diego, California; and Precincts #42 and 44 in the Bronx, New York).

⁵⁵ In Honduras and Panama, "Offices of Professional Responsibility" were established with the aid of the FBI. In El Salvador, the creation of an Internal Control Unit (audit functions) and an Internal Disciplinary Unit was backed by a ministry-level Inspectorate-General. In Nicaragua, the Inspectorate General acts as an internal investigative unit.

⁵⁶ In El Salvador, even when the Internal Disciplinary Unit has recommended administrative sanctions, the PNC Disciplinary Tribunal which hands down those sanctions has tended to impose lighter penalties than those recommended. Personal interview with head of the Internal Disciplinary Unit, 1995, and with the PNC Director General, 1996, San Salvador.

⁵⁷ *Governmental* external oversight mechanisms of police and judicial personnel include ombudsmen; civilian police commissions (a la Los Angeles); human rights commissions (e.g., Mexico, India); blue-ribbon investigatory commissions; legislative bodies (including municipal councils) and their committees and auditing bodies (e.g., the US General Accounting Office); inspectorates general (these can be considered "internal" as well); and of course the criminal justice system itself. *Non-governmental* external oversight mechanisms include human rights NGOs; other auditing and advocacy NGOs, including judicial assessment groups, the press, bar associations, private sector or multisectoral civil society organizations; and local citizen police councils.

men offices generally lack either administrative or criminal prosecution powers, instead making recommendations based upon their investigations. Similarly, Inspectorates General (such as those present within each U.S. cabinet-level ministry) do not have prosecutorial powers, instead checking the performance of internal oversight offices and making broad, systemic recommendations about how an agency should organize itself to avoid fraud, waste, and abuse. The presumption is that improprieties are usually adequately handled by internal oversight mechanisms or, where criminal acts have occurred, referred to the criminal justice system (Perez 1998).

However, in Central America the weakness of both internal oversight bodies and the criminal justice system means that external mechanisms are extremely important in checking abuses, especially human rights abuses, by police and other state agents. In some cases, external oversight mechanisms have operated in ways which go beyond their northern counterparts, providing either duplicative or stronger oversight. In other cases, external mechanisms of accountability have not fully compensated for or corrected weak internal oversight units of police or military bodies. In the cases of El Salvador, Honduras, and Guatemala, the press and human rights advocates (ombudsmen) have played an especially important role in overseeing police abuses, stepping in for weak internal control systems⁵⁸.

Indeed, if enhanced accountability represents a strategic priority for improved security systems in the region over the next two decades (as it should), then the consolidation of governmental human rights ombudsmen's offices is imperative. Created with European support over the past fifteen years, these bodies have become particularly important for documenting human rights abuses, prompting action against problematic personnel, and stimulating corrective measures among police and other agencies. Yet, these offices have faced funding constraints, political impediments to their operations and budgets, organizational weaknesses, and a lack of adequately prepared personnel (Dodson and Jackson 1998). International assistance is likely to be vital in

⁵⁸ Call 1999, Stanley and Call 1996, WOLA/Hemisphere Initiatives 1996.

addressing institutional weaknesses and ensuring the continued operation of these entities in the face of persistent obstacles.

2.5. "Globalization" and Regional Police Cooperation

One of the most important future challenges for the rule of law and citizen security in Central America is the increased sophistication and scale of international criminal networks and activities. "Globalization" has made regional coordination more necessary and promising than ever. Regional efforts to coordinate crime prevention have taken important steps forward in the past decade with the formation of the Central American Association of Chiefs of Police in 1992; the renewal of the Central American Security Commission in 1994; the creation of a permanent regional commission to combat narcotics production and trafficking in 1994; the signing of the Framework Agreement on Democratic Security in Central America in 1995; and the agreement to create the Instituto Centroamericano de Estudios Superiores de Policia (ICESPO) in 1996 (see Chinchilla 1997). The regional Police Chiefs Association has created a Liaison Office which has improved coordination in combating regional criminal activity (Fernandez 1997), and the Framework Agreement on Democratic Security sets forth markers for the continuing development of regional coordination and national conformity with democratic principles as law enforcement efforts develop.

Despite these steps forward, regional efforts to prevent violence and crime suffer from important deficiencies. The actual operational sharing of information is not what it could be, and important data continues to be withheld, sometimes due to well-founded fears of compromising investigations. Porous borders and weak electronic capabilities for storing and transmitting data leave Central America with highly penetrable frontiers; indeed, one of the most common forms of evading law enforcement is to flee and hide in a neighboring Central American country. Finally, insufficient data and analysis are accumulated across the region.

2.6. Arms Controls

A consensus seems to exist among Central American security analysts that the high number of readily available small arms in the region is an important factor in the region's high levels of violence⁵⁹. Estimates of the number of such arms are difficult to pinpoint, but authorities in 1999 claimed that civilians held about 200,000 small arms and munitions, including legally registered and illicit weapons (see Table 9 below). In Guatemala, for instance, one source estimated that some 20% of the civilian population possessed two million arms, the majority of them unregistered (Gutiérrez 1999: 565). Some 150 companies engage in the manufacture and sale of weapons and other private security equipment (*Ibid.*).

Table 9: Number of Arms in Civilian Hands, Central America, 1999⁶⁰

	Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	Total
Estimated # of Arms in Civilian Hands	n/a	130,505	3,960	47,059	18,417	199,941

Several countries in the region have passed laws mandating the registration of weapons in the hands of civilians⁶¹. However, these laws generally do no more than require the registration of private arms and restrict possession of certain arms to members of the armed forces. In Costa Rica, the number of government-issued permits to carry arms increased from 3,232 in 1990 to 9,386 in 1995⁶². Additional legal or other measures would help control the extraordinarily high numbers of arms in the region and improve citizen safety. Expanding the kinds of arms considered illegal is a possibility, as is screening applicants, but

⁵⁹ Buvinic, Morrison, and Shifter 1998:7; Carranza 1997; Cuadra 1999; Williams and Walter 1997; Cajina 1996; Gutiérrez 1999; Chinchilla and Rico 1997.

⁶⁰ Figures for El Salvador from Consejo Nacional de Seguridad Pública; for Honduras from Policía Preventiva; for Nicaragua from Policía Nacional; for Costa Rica from Ministerio de Seguridad Pública.

⁶¹ Such countries include Costa Rica (1995), El Salvador (1994), and Guatemala (1989). See latter chapters of Carranza 1997b. Although the possession of arms is only governed by regulation in Honduras, arms acquired legally and illegally increased during the 1990s in that country. See Carranza 1997b:379.

⁶² *La Nación*, August 4, 1996, cited in Zamora Cordero 1997:320.

enforcement of existing laws would be the easiest first step. The lucrative small arms market, rooted mainly in the United States and other developed countries, contributes to the easy access of such weapons to Central American markets.

3. Challenges left by Recent Judicial Reforms: The Judiciary and Violence Prevention

Among the most important institutional reforms of the past twenty years in Central America are efforts to modernize and professionalize the region's judicial systems. Judicial reforms accomplished the following in most of the region:

- approval of revamped criminal procedures codes (in every country of the region except Nicaragua)⁶³;
- additional code reforms;
- increased professional career standards and protections for judges and other judicial functionaries;
- greater independence of judiciaries from executive and legislative influence;
- the adoption of laws to prevent intrafamilial violence;
- the creation of special jurisdictions for constitutional review and for special groups such as families and minors; and
- the introduction of new state mechanisms (ombudsmen or their equivalent) for the protection of human rights.

Largely with international funding (especially from USAID), reforms followed the assumptions (a) that existing codes were outdated by decades if not centuries, (b) that the continental "inquisitory" model of jurisprudence was inadequate for current Latin American needs, (c) that victims merited a greater role and voice in the criminal justice system, (d) that the selection of judges and the operation of courts were highly politicized and not transparent, resulting in serious corruption, and (e) that judicial processes were much delayed and lengthy, resulting in a high percentage of pre-trial detainees in prison systems, to the extent that pre-trial detention often exceeded the time which would have been served under a conviction⁶⁴. In the selection of

⁶³ New criminal procedures codes were approved in Honduras in 1984, in Panama in 1986, in Guatemala in 1992, in Costa Rica in 1996, and in El Salvador in 1998. See cuadro 7.2 in PNUD, *Estado de la Región*.

⁶⁴ Martínez Ventura 1997, Ibanez 1997, Hammergren 1997 and 1998a, b and c, Popkin 1997; Rowat, Malik and Dakolias 1995; Stotzky 1995.

judges, not only was the executive's role reduced in El Salvador and Guatemala (PNUD 1999: 199), but civil society (especially bar associations) gained an important role in proposing the lists of candidates from which the legislature selected magistrates of the Supreme Court⁶⁵.

New criminal procedures codes were seen as crucial to resolving these problems. Most such procedural code reforms shifted from longstanding inquisitory models toward accusatory models or some mixture, including the introduction of more oral processes rather than simply the review of written documents. They also involved the strengthening of the prosecutorial function (usually a Public Ministry) rather than the instructing judge in assigning primary responsibility for overseeing investigations, and the reduction of time periods for different stages of the judicial process (Rico 1997, as in PNUD 1999: 200, Hammergren 1998a). Another important innovation of code reforms was the introduction of mechanisms of alternative dispute resolution (ADR) (Rico 1997). Additional reforms focused on laws regulating commerce and investment, reflecting a strong concern that international capital find a secure environment in the region. Finally, the portion of government budgets dedicated to judicial processes and institutions increased in most countries of the region; between 1992 and 1998, the percentage more than doubled in El Salvador, and in Honduras it tripled⁶⁶.

⁶⁵ In Guatemala, civil society has a voice in the selection of Supreme Court and Appeals Court magistrates. According to Articles 207, 216, and 217 of the constitution, a Nomination Commission forwards to Congress the names of 26 lawyers as candidates for the 13 Supreme Court magistrate posts, and the names of 146 candidates for the 73 slots on various Courts of Appeals. The Nomination Commission is comprised of a representative of the rectors of the seven major Guatemalan universities, the deans of the six law schools, six representatives of the Colegio de Abogados y Notarios de Guatemala (the Bar Association), and six persons selected by sitting magistrates (for the Supreme Court, the Appeals Court justices select these six persons; for the Appeals Court, the Supreme Court selects six persons). The Congress elects the magistrates to these courts by a two-thirds majority.

⁶⁶ These figures based upon the portion of government-budgeted expenditures dedicated to the Organo Judicial plus the Public Ministry in El Salvador (1.36% in 1992, 2.73% in 1998), and that portion dedicated to the Poder Judicial, the Ministerio Público, and the Comisionado para los Derechos Humanos (since the

These reforms have had an impact on day-to-day justice in the region. International human rights standards have been incorporated into the codes of "operators" of judiciaries in the region (i.e., judges, prosecutors, public defenders, and police), bringing up by a notch the effectiveness of the rule of law as it applies to individual rights⁶⁷. Code reforms have modernized laws in much of the region (Hammergren 1998b), although the failure of a constitutional reform referendum in 1999 set back modernization efforts in Guatemala. In El Salvador the Supreme Court must now share management of the judicial career with the new Judicial Council, which also participates in the selection of Supreme Court justices. These and other changes have produced a considerably more professional and politically plural (though not depoliticized) Supreme Court. Judges in Guatemala and El Salvador have been sanctioned, and some removed, by stronger mechanisms of accountability for judicial performance⁶⁸.

Yet, reforms have not fully redressed the serious problems of Central American judicial systems. Public opinion polls in 1997 revealed that, in four of the six countries surveyed, *at least half* of respondents had "no confidence" in the judiciary⁶⁹. Judiciaries merit further modernization and professionalization, especially in countries such as Panama, Nicaragua, and Honduras, where changes to date have been less dramatic. Further code reforms are also needed. Such codes must be appropriate and reflect international human rights standards. Improvements in coordination among the different elements of the judicial

latter institutions were created) in Honduras (0.6% in 1992, 3.01% in 1998) Data gathered from government ministries

⁶⁷ See I. Lavados Montes and J.E. Vargas Viancos. *La gestión judicial: memorias del seminario del Banco Inter-Americano de Desarrollo*. Washington, D.C.: BID, 1993, cited in Cervantes 1999.

⁶⁸ In Guatemala, more than half of all judges were forced from office in the face of increased public pressure in 1998, and 372 judges were dismissed for corruption between 1993 and 1998. From Justice Ministry records, in Darling, *op cit.*

⁶⁹ The phrase was *ninguna confianza en el poder judicial*. The four countries are Guatemala (51%), Honduras (50%), Nicaragua (51%), and Panama (60%). Poll by N. Garita, *Barometro Centroamérica 1997*, internal PNUD document reported in PNUD 1999: 209, cuadro 7.13.

system — the courts, prosecutors, investigative police, administrative police, and the prison system — have been recognized recently by international and national authorities and will merit additional efforts⁷⁰. The problems go beyond institutional engineering. In El Salvador, for example, the Supreme Court continues to exercise inordinate influence over the selection and performance of lower court judges.

Judicial performance is linked to legitimacy of the justice system and possibly to the very legitimacy of new democratic systems. Indicators of low faith in democracy, such as high rates of electoral abstention, appear to correlate with low levels of confidence in the judiciary, although further research on these connections is warranted. The areas below merit special attention in coming years if reform efforts to date are to be consolidated and expanded.

3.1. Greater Judicial Autonomy and Accountability.

Ironically, judicial independence has at times undercut reforms by making justices less accountable. In the well-founded desire to establish firmer judicial independence from the executive branch and from the political wrangling of the legislative branch, a fundamental concept has often been overlooked in regional reforms: the judicial branch must answer to *someone*, or its members will have little incentive to act in the interests of justice rather than in response to corrupt financial incentives, clientelist ties of family and friends, or political partisan links. It means little to have a judicial "profession" unless some body upholds the standards of that profession. In the past, the region's Supreme Courts have not shown themselves capable of maintaining such professional and impartial conduct, much less holding their colleagues to such standards. Ironically, the increased autonomy of judiciaries can also make it more difficult to elicit competent perform-

⁷⁰ Improved coordination is especially difficult and of prime importance where more adversarial criminal procedure codes have been adopted. Different approaches to orienting prosecutors and investigative police to new systems are examined in Hammergren 1998b. In Honduras and Panama, U.S. officials have stepped up efforts at their own coordination, which remains imperfect. Personal interviews with USAID officials, ICITAP officials, and Honduran and Panamanian judicial authorities, 1997.

ance among judges and prosecutors, oust corrupt or incompetent officials, and help judiciaries adapt to changing social and legal exigencies. Judges have been among the most reticent to embrace updated legal and criminal procedure codes which require new and more demanding tasks of them, even while releasing them from some responsibilities. Continued reliance in law schools on memorization of old codes is partly at fault. If new legal professionals are to serve the interests of justice, then new educational substance and techniques – law school clinics, moot courts, and more internships – are necessary.

At bottom, increased autonomy is not synonymous with less accountability. Indeed, the strategic needs of the region's judiciaries in the coming decades include *both* consolidated autonomy from executive and partisan influence *and* greater accountability to citizens for their performance. In most of the region, executive or partisan influence remains excessive. For example, in Nicaragua and Panama, the executive branch's strong role in the selection of magistrates results in continued political influence and subordination to executive branch policies (PNUD 1999: 199). Where legislatures have supplanted executive influence in judicial selection, as in El Salvador and Guatemala, judicial appointments still reflect political horse-trading even as the overall quality of magistrates has improved. The performance of pseudo-independent judicial councils (e.g., *consejos de la magistratura*) and new constitutional courts should help hold the courts to higher professional standards, but they too require a legal status which protects them from excessive politicization. Whereas such bodies should help uphold professional standards, including adherence to international human rights norms, and serve as potential models, the results remain to be seen and evaluated.

Greater accountability for the performance of judicial personnel would help remedy two persistent problems of the rule of law in the region: slowness and inefficiency. Recent reform efforts, driven partly by dissatisfaction within the private sector over inefficiency, have sought to create shorter timelines for each phase of the judicial process and set penalties for abrogating those deadlines. While in almost all countries judicial processes have been accelerated over the past few years, such processes remain slow and tedious, especially where reliance upon written review remains the primary procedural norm. The numbers of pre-trial detainees reflects this inefficiency. Greater account-

ability for judicial performance in the area of prompt fulfillment of responsibilities should help remedy this deficiency as well. Many judges continue to view criminal (and civil) justice as a technical application of an almost divine law rather than a public service designed to create justice in the lives of human beings within society (Hammergren 1998c). An ethos of public service and accountability has yet to permeate the judiciary.

3.2. Greater Access to Justice for the Poor

USAID's 1996 Rule of Law strategy document (Blair and Hansen 1996) was the first by that agency to explicitly express concern that reform efforts up to that point had stressed the "supply side" of Latin American justice systems. The report noted that reforms had not paid sufficient attention to concepts of political will, public support, and the "demand side" (Hammergren 1998c). U.S.-sponsored Administration of Justice (AOJ) programs in the 1980s and early 1990s concentrated heavily upon government-to-government programs without sufficient consideration and participation granted to the citizens who are the ultimate beneficiaries of those programs. Reflecting the tendency of all assistance efforts to approach complex political processes with technical solutions engineered behind closed doors among legal experts, prior programs had fallen short in seeking to generate public knowledge of and support for reforms, and to consult more broadly with social sectors in their design. USAID's approach to judicial and police reform has since showed greater acceptance of the need for broader consultation and "constituency-building."

Nevertheless, the operation of Central America's justice systems continues to favor the interests of wealthy and politically well-connected persons. As the media trumpets headlines such as "Justice: A Joke"⁷¹, the overwhelming impression remains that corruption is rampant in the judiciary, that poor people have little chance of realizing justice unless they have a well-connected interlocutor or benefactor, and that slow-

⁷¹ Cover of Guatemalan newsweekly *Crónica* 12, No. 585, 19-26 July 1999.

ness persists in judicial processes. One regional international NGO official stated in 1999, "There is no justice for poor people"⁷². Even more worrisome, the perception of inaccessible and ineffective justice, especially among poor and rural Central Americans, has stimulated a wave of lynchings of common criminals, from petty thieves to gangsters and rapists. The U.N. Mission in Guatemala recorded 47 lynchings in the last nine months of 1998⁷³, and increased lynchings were recorded in El Salvador and Honduras in the late 1990s (Call 1999). When the "Black Shadow" death squad announced it would execute several well-known criminals in eastern El Salvador in early 1995, and then did so before a police investigation finally stopped it, over 40% of the population supported the group's decision to take justice into its own hands. Indeed, a poll in 1996 showed that some 49% of Salvadoran respondents were either "somewhat" or "very much" in agreement that citizens should ignore the law and resolve problems without waiting for legal solutions⁷⁴. These trends underscore frustration with the ineffectiveness of the region's judicial systems.

Part of the reason that justice remains elusive is the underfunding of judicial institutions and a bureaucratic culture of inertia, except for cases involving extra resources or political pressure. For example, because the public prosecutor in some countries lacks funds to mount an effective case, those who can supplement their efforts through privately funded investigations and case preparation tend to have the best chance of obtaining a conviction. Such was the case of the rare successful prosecution in 1994 of a military officer for the killing of Myrna Mack in Guatemala, and the conviction of three men in the kidnapping of wealthy family matriarch Isabel Boniface de Botran in 1998 (Darling 1999, *op cit*). As the chief clerk of the Guatemalan

⁷² Bruce Harris, Central America director of Covenant House, cited in Darling, *Los Angeles Times*, 30 May 1999, *op cit*.

⁷³ See MINUGUA, "Suplemento al noveno informe sobre los derechos humanos: despliegue de la Policía Nacional Civil..." Document #A/53/853, Anexo, Guatemala, para. 66.

⁷⁴ Poll conducted of 1199 persons in July-August 1996. IUDOP, "Las actitudes de los Salvadoreños en torno a las leyes." ECA, San Salvador, October 1996, p. 914.

Supreme Court stated in 1999, "In principle these cases open up the [criminal justice system], but they do not work for poor people"⁷⁵.

In addition to underfunding, other factors contribute to continuing problems of corruption in the judicial system despite purges of corrupt personnel and attempts to improve selection and oversight⁷⁶. Until recently, the courts (*órganos judiciales*) have not received the portion of the state budget which they are constitutionally or legally assigned in Central America (PNUD 1999). However, funding alone is no cure-all. Money must be used wisely, based on needs assessments. Judiciaries require greater training in managing and administering their resources.

More important, greater funding for agencies outside the courts, such as Public Ministries, would help ensure that prosecutors can do their jobs even without victims' financial help. Greater funding for public defense offices would also help indigent victims obtain adequate legal representation. This last point is an especially acute need. With the adoption of more adversarial systems, the role of investigative judges in looking into both sides of the equation has been eliminated, placing the full burden of a defendant's interests in the hands of his or her lawyer. Yet, internationally backed reform efforts have focused more resources and training on the prosecutorial side of the equation. In some countries, strengthened prosecutorial functions have been seen as a central vehicle for AID-sponsored reform strategies. Public defenders capable of rendering assistance to poor persons have been seriously lacking in much of the region. The ratio of public defenders per population illustrates this disparity between prosecutorial and defense functions, as well the need for greater numbers of public defenders, especially in Guatemala, Panama (which retains a more mixed model) and Honduras, none of which has more than 2.3 public defenders per 100,000 inhabitants (see table 10).

⁷⁵ Cited in Darling, *Los Angeles Times*, 30 May 1999. *op cit*.

⁷⁶ An October 1994 survey in El Salvador found that over 94% of respondents believed that "corruption and influence-peddling in public administration and the government are a serious problem." Instituto Universitario de Opinión Pública (IUDOP), "Sistema de justicia, delincuencia y corrupción: La opinión de los salvadoreños," *ECA*, Oct 1994, p. 1063.

Table 10: Public Defenders, Central America and Los Angeles Co. 1999⁷⁷

	Guatemala	El Salvador	Honduras	Costa Rica	Panama	Region	Los Angeles Co
# of Public Defenders	80	357	142	153	38	770	650
Public Defenders per 100,000 Inhabitants	0.7	5.8	2.3	4.2	1.4	2.6	7.1

In the long term, the low level of confidence in the judicial system can be reversed only by wider access to and more effective performance of judicial institutions. Emphasis on the "demand-side" has been interpreted by some to mean building elite and popular support for internationally conceived initiatives (Hammergren 1998c: 1), rather than expanding access to justice for poor and other marginalized groups and increasing the voice of specialized civil society groups in the design of such reforms. Precisely this sort of participation and input is crucial to ensuring that judicial systems are responsive to the needs of the population and engender support, legitimacy, and effectiveness.

Other measures could help widen poor people's access to justice in the region in coming years. Greater accountability systems for judicial efficiency and honesty would help prevent those who can afford it from purchasing favorable decisions. Reduced pre-trial prison populations would help make sure that incarceration was meted out only to the guilty for the appropriate time period. Popular education in law, security, and human rights would serve a preventive function against both crime and abuse of the rights of the accused. Greater decentralization of structures and personnel would facilitate physical access to the formal judicial system. Police, prosecutors, and judges are concentrated in cities and large towns (Sieder 1996: 199); even when a judge is assigned to a rural post, he or she may only be present two or three days per week for limited hours.

⁷⁷ Sources: PNUD 1999, Cuadro 7.6, p. 203. Nicaragua has no public defenders, reflecting its judicial system (it is excluded from regional total). For Los Angeles County, estimate based upon phone conversation with Personnel Office, Office of the Public Defender, September 1999. Los Angeles Co. is slightly smaller in population (est. 9,200,000) than Guatemala.

One factor in the faith of poor and marginalized populations in the justice system is the sense of prevailing impunity based upon the treatment of those responsible for human rights violations during prior wartime or authoritarian regimes. Little conclusive data is available to show that successful criminal prosecution for past human rights abuses translates into improved justice or higher confidence in judiciaries after conflicts end⁷⁸. Nevertheless, in cases such as Argentina during the early 1980s and Honduras during the early 1990s, judicial standing in the public eye has coincided with efforts by political and judicial actors to aggressively prosecute past abusers⁷⁹. It seems logical that, as human rights advocates have maintained, the perception that justice systems let serious human rights abusers "off the hook" for their abuses reinforces a lack of public confidence in the ability of formal judiciaries to resolve legal problems and conflicts. Among groups victimized under prior regimes, the absence of prosecution for prior human rights violations raises the question of whether "new" judiciaries have overcome the politicization, corruption, and/or complicity of the past. More important, if the individuals who have impeded justice previously continue to operate freely, even in official capacities, then the potential for real reform remains limited. Although prospects seem dim for the full prosecution of past human rights violators, the dispensation of justice would represent a leap forward in removing obstacles to the rule of law and boost public confidence.

3.3. Expanded Access for Indigenous Peoples to Justice and Security

In countries where indigenous populations retain their cultural heritage, especially Guatemala, judicial reforms have done little to redress the enormous gap between formal national judicial systems and everyday practices which are viewed by those communities as more effective and legitimate. Formal judicial systems operate in a language incomprehensible to many indigenous peoples — including hundreds of

⁷⁸ On issues of transitional justice see edited volumes by Kritz 1995, McAdams 1997, and Stotzky 1993.

⁷⁹ This information provided by Rachel Sieder in private communication, October 1999.

thousands of Guatemalans — shortchanging both victims and suspects of the full possibilities of justice. Many of the advances related to justice for indigenous peoples achieved in the Guatemalan peace process make formal judicial and police institutions more accessible to these groups. Steps include the recruitment of more indigenous officers into the new National Civilian Police, training judicial personnel in indigenous customs, improving interpretive services for court and other judicial proceedings, and increasing the availability of legal aid in indigenous languages. Although a constitutional referendum which would have granted more recognition of indigenous customs failed, most initiatives to open up Guatemala's justice system to indigenous persons were not contingent upon constitutional changes and can continue. International donors can and should support such efforts.

Many indigenous communities deeply distrust national-level institutions and have their own legal and policing customs. International and national reform efforts have focused excessively upon national-level systems without seeking to support those local and community-based mechanisms of justice which generally enjoy greater acceptance among indigenous peoples. As Sieder (1996) has argued, the relationship between informal (but not *ad hoc*) indigenous systems of conflict resolution and the formal justice system exists and evolves over time. Indigenous customary law (*derecho consuetudinario*) should certainly not be idealized, and some of its content conflicts with internationally recognized human rights, especially the rights of women. Thus, greater recognition of indigenous customary legal practices at the formal national level is tricky and requires careful weighing of the contradictions that are inevitable when group rights are balanced against individual rights.

Yet, some indigenous customary systems can redress weaknesses in formal national judicial systems. For instance, the use of community service as an alternative to punitive incarceration seems to offer a lower chance of recidivism (Esquit and Garcia 1998). In the wake of the 1996 peace accords in Guatemala, international donors have proffered numerous projects aimed at studying, strengthening, and expanding recognition of indigenous legal practices. Donors and experts should follow closely the results of these myriad projects in the next few years. In the meantime, donor projects in this area hold the potential of

strengthening the practice and state recognition of local indigenous authorities.

3.4. Reconceptualizing Rehabilitation

Judicial reforms have failed to significantly improve Central America's penal systems, leaving prisons, like their jailed occupants, largely overlooked by state and society. Despite improvements in prison conditions, oversight, and the number of pre-trial detainees, problems in the region's prison systems continue. From a long-term perspective, perhaps the most serious is the absence of a rehabilitative mentality in society and government institutions. Prison continues to be viewed largely as a punitive instrument, with few efforts to rehabilitate or educate inmates. Violence and abuse within prisons occurs amidst a lack of supervision and accountability of prison guards.

International donors face challenges and opportunities in assisting penal systems. More than any other domestic policy area, prisons and prisoners enjoy no domestic support or constituency. Political pressure to improve the conditions of prisons is limited to human rights groups. Unlike some of their northern counterparts, Central American courts have failed to ensure that prisons meet national and international standards. Here international actors can support improvements which otherwise might not occur. At the same time, the absence of domestic constituency means that fostering a rehabilitative mindset is difficult.

3.5. Alternative Dispute Resolution

Alongside support for indigenous customary legal practices, international donors have increasingly supported experiments in alternative dispute resolution (ADR). Such attempts have ranged from commercial and family law to criminal cases. They hold the possibility of reducing caseload on the courts, offering more creative and constructive punishment and rehabilitation of perpetrators, and heightening the timeliness of justice. At the same time, the importation of ADR methods from other countries without sufficient adaptation carries dangers. For instance, when teen victims of sexual assault are forced to sit down and seek "conciliatory" accords with their attackers before the criminal

justice system will initiate a trial, as has reportedly occurred in Costa Rica under new alternative dispute resolution mechanisms, then such mechanisms serve to unwisely punish victims and empower criminal suspects⁸⁰.

⁸⁰ Example provided by former Security Minister of Costa Rica, Laura Chinchilla, August 1999.

4. Challenges for Civil Society and Marginalized Groups in Violence Prevention

The growing consciousness of the need to reform state judicial and police institutions has been accompanied by a neglect of the broader social culture in which they operate. Cultural practices in Central America include tendencies to avoid interaction with state agencies out of historically well-founded distrust, to rely heavily upon informal relationships (patrimonialism, clientelism, *amiguismo*), and to gloss over individual responsibility. These traits contribute to the challenge of improving the effectiveness and acceptance of state services. Even as donors have increased their attention to and support for non-governmental activities related to violence, policing, and criminal justice, they have largely neglected the complex problem of modifying cultural practices and attitudes about governmental or non-governmental activities in the realm of justice and security. Non-governmental activities are an increasingly important factor in shaping social attitudes and influencing government behavior.

In part, the difficulties donors have encountered in engaging civil society on issues of violence and justice stem from three fundamental dilemmas. First, how can donors support civil society efforts when there is so little to base such efforts on (i.e., so few organizations with so little organizational capacity in these areas)? Second, given the roles played historically by Central American civil society in internal security, what positive roles can civil society play in citizen security without falling into vigilantism or *orejismo*, i.e., spying on neighbors on behalf of the government? And third, how can donors encourage civil society to work with and overcome distrust of governmental police and judicial institutions while recognizing that such distrust may be a well-founded element of external social actors' roles in violence prevention? That is, how can civil society collaborate with and guide authorities in preventing crime and violence while serving as a useful watchdog over those authorities?

The challenges faced by donors in collaborating with civil society in preventing violence and strengthening the rule of law are heightened by a fundamental assumption of this analysis and of their programs: that any long-term strategy to prevent violence and to strengthen the rule of law must go beyond state institutions and strengthen the role of

civil society as the source, interlocutor, overseer, and implementation partner of governmental agencies. Although the types of civil society actors may change in coming decades, this need is unlikely to diminish. Seven areas of potential international donor support for civil society activities in Central America are described below.

4.1. Research and Civil Society Expertise

The region's governments and societies clearly need better information about violence and crime, as well as academic programs which might prepare Central Americans for understanding issues of citizen security and influencing policy. Authoritarian regimes and political violence in prior decades inhibited research on policing and non-political violence in Central America. Guatemala, El Salvador, Honduras, and Nicaragua have no criminology degree programs and a virtual absence of academics with specialized knowledge of violence, violence prevention, crime patterns, policing concepts or operations, and community participation. Analysts in the region have a tendency to either wholly ignore or uncritically import the crime-prevention experiences of other countries (e.g., U.S. community policing). Government agencies have poor raw data on crime trends. No reliable, unified state compilation of statistics across agencies on crime, domestic violence, youth violence, accidents, and other core data for a national crime prevention strategy exists⁸¹. These deficiencies in research and information undoubtedly help account for the absence of national, government-integrated crime prevention strategies in the region.

Several types of programs might help fill these voids, including new think tanks and research institutes; new academic programs, such as a "citizens security diploma" at a major university⁸²; a *maestría* in vio-

⁸¹ ILANUD has increased its research in the area of criminal justice, publishing some of the best available compilations of crime statistics for the region. Carranza 1997a, 1997b.

⁸² I am grateful to Marco Valle, an adviser to the Nicaraguan National Police, for suggesting this idea in 1998.

lence prevention at major universities⁸³, or an undergraduate program in criminology. Less ambitious would be the offering of special courses in violence prevention, police themes, and citizen security. Most important is the need to develop a group of civilians who have been exposed to various approaches, theories, and experiences of violence prevention. As one expert noted, "We're focusing on training entry-level cops when we really need to educate security ministers."⁸⁴

As the pace of cross-national communications and exchange accelerates over the next two decades, one possibility seems to hold significant potential: exposure of non-governmental representatives and analysts of one country to the experiences of other countries, both within Latin America and beyond. NGO representatives interviewed for this and previous projects have emphasized how important trips to neighboring Central American countries, South America and the United States have been in introducing them to new possibilities for policy changes, different forms of organization of police and community efforts, and advocacy strategies within their own countries. Participants in exchange programs of NGO representatives among Central American countries and to the United States, for example, uniformly praised these experiences. Expanding such exchanges in a strategic manner to help construct cross-national and cross-regional networks of research and/or advocacy (especially across developing countries) could be a particularly fruitful way of contributing to fresh thinking and organizing around violence prevention and the rule of law. Cooperation among donors is important in this area, and donors should be prepared for diffuse and long-term results.

4.2. Civil Society Advocacy

In order for the research of academic and non-governmental organizations to bear fruit in the policy world, efforts to synthesize and present that information must be developed and implemented. In other words,

⁸³ A UNDP program officer in El Salvador suggested this concept to me in San Salvador in 1996.

⁸⁴ Comment of Dr. Jesús Rodes at workshop conducted as part of this project in Managua, August 1999 (my translation).

non-governmental actors must engage in some degree of advocacy aimed at policy makers, political parties, and the press. Civil society in Central America generally has little experience with advocacy. Accustomed to denouncing government policies and relying upon public protest in the face of political decision making via backroom deals rather than transparent, participative processes, civil society found advocacy of limited value before the 1990s. With the opening of political systems and the greater vitality and autonomy of most legislative bodies in the region, advocacy has become a higher priority in civil society strategies and in institutional capacity-building.

Few Central American non-governmental organizations specialize in issues of citizen security and violence. However, the widespread recognition among Central American NGOs of the need to respond to public clamor over crime and violence and actively participate in long-term strategies to prevent violence has sparked burgeoning NGO efforts⁸⁵. At the same time, efforts to stimulate region-wide discussion and debate on citizen security issues have not produced sustained collaborative work on this issue. The principal obstacle to regional advocacy efforts is the lack of national-level NGOs whose work on citizen security is sufficiently consolidated to permit them (a) to think strategically about the issue, (b) to prioritize regional efforts beyond an occasional information-sharing meeting, or (c) to assume the leadership of a regional coordinating body with the support of groups in neighboring countries⁸⁶.

To be successful, regional efforts must be based upon the building blocks of national-level institutions. Here again few national level institutions have consolidated a reputation for serious, concentrated work on security and justice issues. Without more institutionalized and specialized work on these issues, a regional advocacy network is likely

⁸⁵ Some regional-level initiatives have developed initial work on these issues, notably the IIDH, the Arias Foundation, CRIES and the University of Peace.

⁸⁶ FESPAD in El Salvador and the IECCP in Guatemala are collaborating in a network with CELS and the Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP) in Buenos Aires. This collaboration might lead to regional coordination on issues of legal reform, including police and internal security matters.

to be a house of cards. Strengthening the skills and work of these national-level organizations is likely to prove an important challenge for advancing the rule of law and violence prevention programs over the next two decades.

4.3. Community-Based Programs, Municipalities and Community-Oriented Policing

A third strategic area over the coming years is creating community-based programs aimed at enhancing the participation of citizens in resolving their own security problems. This participation can vary along several dimensions, among which three stand out. First, it could be either autonomous from or integrated with governmental efforts. On the one hand, it could take the form of independent actions to address problems, such as community efforts to counsel youth, dedicate resources to crime prevention measures, or organize a neighborhood immediate-response system when a neighbor sounds an alarm. On the other hand, it could come in the form of the participation of citizens and/or civil society in the definition of priorities in governmental security policies and in the monitoring, evaluation, and possibly execution of those policies. Both approaches represent a contribution.

Second, such community-based efforts range conceptually from (a) short-term or (b) medium- to long-term orientation. A short-term orientation, for example, might involve the organization of neighborhood watch groups for patrols, the creation of networks of informants for police to combat crime, or funding construction of a local police post. Medium-range measures might include having citizens identify factors associated with crime risk, such as poor street lighting, urging employers to hire more young people, organizing a gun buyback program, etc. Long-term measures might include educational programs in schools or working with youth in counseling or recreational programs.

Third, the involvement of citizens or civil society in public security responses can have its origins in (a) government-initiated efforts or (b) efforts emanating from civil society. Most community involvement in public security activities in industrialized countries is rooted in the

initiative of public authorities. A prominent example is community policing programs, which are generally organized by police forces in the United States and Europe⁸⁷. In Central America, NGOs have launched pilot projects of both sorts, with varying degrees of success. In Nicaragua, for example, political will and an openness to citizen input on the part of police leadership have produced fairly successful community policing programs.

Other projects have been rooted in the problems and priorities defined by selected neighborhoods in different Central American republics, emphasizing the risks of *orejismo* and politicization of citizen internal security activities which have plagued past police-society collaboration⁸⁸. This approach embraces communities reaching out to the police as a safer strategy than police reaching out to communities. If community-initiated programs are to be effective, however, they must achieve what pilot projects in the region have not: sustainability and replication across other communities.

The problem of replication has been especially vexing. Several analysts in the region emphasize the need for linking community-based NGO projects on citizen security to the role of local governments. One member of El Salvador's National Public Security Council, for instance, believes that mayoral offices are crucial for the sustainability and

⁸⁷ Other programs, such as neighborhood watch groups or civilian review boards, can be either community-initiated or government-initiated. In both cases, community actors are likely to work closely with governmental authorities, be they the local political authorities, police officers or social service officials.

⁸⁸ Community-based programs emanating from the government run particular risks in Latin America for two reasons. First, the legacy of government-organized citizen intelligence groups which committed human rights atrocities such as ORDEN in El Salvador and the Patrullas de Auto-Defensa Civil (PACs) in Guatemala make citizens extremely nervous and reluctant to support such efforts, especially when organized by the very same police officers who organized prior police informant networks to fight (political) crime (see McClintock 1985). Second, the high levels of politicization of the state in Central America give rise to fears that government-initiated networks of citizens in the area of internal security might become tools of the governing party or even of the party with which individual police officers sympathize. In countries such as El Salvador, Honduras, and Guatemala, these problems pose serious obstacles to police-initiated community-level programs.

diffusion of local experiences in violence reduction⁸⁹. Despite the risks of misuse (politicization, *caciquismo*) associated with strengthening local government, it seems that linking community-based citizen security efforts to local government structures, or initiating them through such structures, may be the best way to ensure that such efforts are sustainable and replicable.

Determining what sorts of approaches are best will depend on the lessons and experiences of regional and national-level actors, perhaps through a process of experimentation involving different approaches with different groups. The experiences to date of pilot projects indicates several principles which should guide such projects in the future. First, most of the region's police forces have far to go in changing their operations to conform with newly adopted doctrines which stress public service. The traditional core elements of community-oriented policing — assigning police agents to patrol a specific territory, get to know its inhabitants, and develop sources of information and relations of trust — have not yet been observed in practice.

National police forces remain resistant to the introduction of any local participation in the selection of police officers assigned to those areas or the influence of outside voices in the definition of citizen security priorities. All too often "community policing" is interpreted to mean enlisting the population in identifying and informing on suspicious activity by neighbors. While such vigilance can serve some crime prevention ends, it does not signify the genuine participation of citizens in the definition and implementation of preventive security policies.

Second, decisions about basing such programs in the police versus civil society should consider the political will of the actors involved. In places such as Nicaragua and possibly Costa Rica, where police leaders have shown a willingness to respond to community needs and concerns, then working to strengthen police-initiated community policing projects is likely to be fruitful. Perhaps more than any single NGO, the Nicaraguan Police have shown a capability to involve local citizens in an organized manner which has generally enjoyed local

⁸⁹ Author interview with Lic. Salvador Samayoa, July 1998, San Salvador.

support. In other settings, however, such programs may not merit support. In any case, the strengthening of oversight mechanisms involving civil society should also be incorporated to avoid problems of the past.

Third, in countries such as Guatemala, Honduras, and El Salvador, where police-community relations are laced with distrust, community-based work alone is unlikely to advance reform processes. Combining such work with advocacy and research may be necessary to ensure that criminal justice systems, including the police, become more democratic, accountable, and representative. Fourth, if community work is undertaken, then it will be important to assure that sufficient local leadership and capabilities are in place, both within civil society and local governance bodies.

Fifth, the methodology by which organizations enter or initiate community work is extremely important. Two models here are the Unidad Técnica Ejecutora (UTE) of the Salvadoran Justice Sector, and Acción Ciudadana of Guatemala. The UTE method points to the utility of selecting one or two counterpart NGOs, rather than six or eight, to assume ownership of the project; selecting communities based on the degree of interest or will among participants; and conducting inter-sectoral work which includes local government⁹⁰. Acción Ciudadana's

⁹⁰ The UTE method involves visiting high-crime areas around the country and identifying the governmental agencies and NGOs who work in the area, selecting the appropriate communities based on the interest of a counterpart, identifying a single group which can be the active counterpart and take ownership of the project in the community; training to build institutional capacity; supporting the community's development of a work plan; mobilization of the community and governmental actors, including the local government, and carrying out the project. Each phase takes about a month. Marcela Smutt and Daniel Carsana, of the UTE, used four pre-conditions before beginning work: (1) a zone of high crime rates; (2) an initiative of the community; (3) willingness by community actors to work inter-institutionally, with churches, local government actors, etc.; and (4) a strong NGO counterpart which can assume leadership of the project in the community. They do not initiate work through local governments because of the risks of politicization, and see programs which only offer workshops in the community without an active accompaniment component as inherently weak and likely to have minimal impact (this practice was dubbed *tallerismo* by another interviewee). Author interviews. San Salvador. July 1999.

experience with municipal budgeting reveals the importance of initiating work through local governments. It suggests that one way to involve and select local governments is to convene a seminar of the authorities of many municipalities and work with those who demonstrate interest and enthusiasm⁹¹.

Under any circumstances, community-based preventive security projects provide one possible manner in which public security authorities and Central American societies might interact to prevent crime in ways which do not run the risks of misapplied models from industrial countries. At the current juncture, careful monitoring and evaluation of different community-initiated projects in preventive security are necessary to verify whether such approaches will prove to be as useful or effective as models (such as community policing) adapted from industrialized countries. Work in this area should be formally evaluated, including experiments coordinated by municipal governments.

4.4. The Role of the Media and Public Education

Central American governments have not yet undertaken significant efforts to use the media and the public education system as means of preventing violence and developing non-aggressive conflict reduction methods in society. In societies where corporal punishment remains widely accepted, it is unsurprising that educational systems have not introduced a curriculum which inculcates values decrying violence and helps children, including teenagers, learn ways to control anger and seek non-violent means of settling conflicts. Given that violent behavior and responses are often developed at an early age, educational systems represent a crucial arena for violence prevention in the long run.

Mass media campaigns against violence have been undertaken in some countries of the region. These efforts have been sponsored by both governmental and non-governmental entities and have focused principally upon domestic violence prevention, aimed both at women victims and male perpetrators. Such efforts, which appear to hold some

⁹¹ Author interview with Acción Ciudadana, Guatemala. July 1999.

promise, have yet to be evaluated, nor have different mass media approaches been fully analyzed.

More troubling is the role of the media itself in fostering violent conduct. Literally hundreds of studies over the past three decades have shown that exposure to media images of violence correlates with a tendency toward aggressive behavior⁹². The largest cross-national study of media and violence ever conducted showed a correlation between the preference for aggressive media content among urban twelve-year-olds and their preference to be in a risky situation themselves⁹³. Some of this research has shown that the impact of media images upon violent conduct holds within Latin America. Guillermo Orozco, for instance, concluded that exposure to violent television images led to more aggressive behavior among Mexican children (Shifter 1997: 4). Colombian health researcher Rodrigo Guerrero believes that the media represent an important "risk factor" of violence (*ibid.*). Several theories have been put forward to explain this affinity; all imply that some reduction in or transformation of the prevalence of violent images in the televised and print media would help prevent violence.

What can Central American governments and international actors do to reduce violence presented in the media? Some news media and research institutes outside the region have initiated programs whereby the press checks its own coverage of crime and violence, introducing criteria of "newsworthiness" and degrees of permissible carnage⁹⁴. Some NGOs have sought to get the media to examine stories of successful violence prevention or reduction with the same fervor as they do violent criminal acts. And one magazine, *Brill's Content*, sought to introduce a code of conduct for how journalists interview victims of violent acts (*ibid.*). In Central America, where the press is generally

⁹² See "Journalists Under Fire for Coverage of Violent Crimes," *Los Angeles Times*, 13 September 1999.

⁹³ See Jo Groebel, "The UNESCO Global Study on Media Violence," study for UNESCO, Paris, 19 February 1998. See also studies by Suzanne Stutman and colleagues at the US Institute for Mental Health Initiatives, cited in Shifter 1997: 4.

⁹⁴ "Journalists Under Fire..." *op cit.*, p. A13.

enjoying newfound freedom from government control, media decision makers have been reluctant to submit to any hint of "censorship" of their activities⁹⁵. Moreover, the concentration of media ownership in few hands in most countries and a culture of political influence on the press pose serious barriers to responsible media conduct. Media representatives point out the beneficial effects of their investigative work in exposing government corruption and abuses which foster violence. Even so, innovative efforts to work with the media to find ways to mitigate some of the deleterious effects of media images of violence seem worth considering.

4.5. Youth Violence Prevention Programs

As youth have become statistically more involved in crime — both as perpetrators and as victims — increasing research and governmental policies have been devoted to crime reduction involving youth.⁹⁶ Within Central America, especially El Salvador, several studies have emerged in recent years⁹⁷. This emerging literature has focused especially upon how and why juveniles become delinquent, citing several familiar risk factors associated with juvenile crime: intrafamilial violence, other family problems, lack of employment and social/recreational opportunities, migratory considerations, drug consumption, and the effects of war (Cruz and Portillo 1998, Smutt and Miranda 1998)⁹⁸.

⁹⁵ This reluctance has been especially pronounced in Guatemala. Author interview with editor-in-chief of a major Guatemalan daily, July 1998. Guatemala City.

⁹⁶ See, e.g., [U.S.] President's Crime Prevention Council, *Preventing Crime and Promoting Responsibility: Fifty Programs that Help Communities Help Their Youth*, Washington, D.C.: Government Printing Office, 1995.

⁹⁷ For example, Ministerio de Justicia de El Salvador et al, *La prevención de la delincuencia juvenil en El Salvador: hacia la formulación de una política social integral*, San Salvador, 1998; Marcela Smutt and Jenny Lissette E. Miranda, *El fenómeno de las pandillas en El Salvador*, San Salvador: FLACSO and UNICEF, March 1998; Sneider Rivera, *La nueva justicia penal juvenil*, San Salvador: Impresos Litográficos (sponsorship: FESPAD, UNICEF, PDDH, Min. Justicia's UTE, ISPM, PNUD y Organo Judicial), January 1998; Jose Miguel Cruz and Nelson Portillo Pena, *Solidaridad y violencia en las pandillas del gran San Salvador*, San Salvador: UCA Editores, 1998.

⁹⁸ One factor, much cited in the media, is the deportation from the United States of numerous Salvadoran members of youth gangs, diffusing networks and

To date, there is little concrete knowledge of the dimensions and causes of violence by or against children. Without question, the phenomenon of youth gangs skyrocketed in the 1990s in Central America. El Salvador had some 236 youth gangs in 1993⁹⁹, and estimates of gang membership varied from 17,000 to 264,600 (see table below; Cruz and Portillo 1998: 13; PNUD). Gang membership increased in Guatemala, Honduras, and Nicaragua during the decade as well, often as a result of the diffusion of Salvadoran youth. More pronounced was the perception that rising crime rates were primarily the responsibility of youth gangs. One study (Smutt and Miranda 1998: 23) of Salvadoran youth gangs, however, concluded that the perceived attribution of crime to youth far exceeds the actual participation of youth in criminal acts (e.g., only 12% of detentions in 1996 were of youth).

Table 11
Number of Youth Gangs in Central America, 1999¹⁰⁰

	Guatemala	El Salvador	Honduras	Nicaragua	Total
Estimated # of Youth Gangs	n/a	236	407	168	811
Estimated # of Youth Gang Members	n/a	264,600	25,940	2,081	292,621

At the same time as youth gangs spread in number and in the public awareness during the 1990s, Central American states increasingly adopted legislation guaranteeing children's rights. Significantly, between 1994 and 1998, every country in the region except Panama passed youth criminal code legislation placing national laws more in accord with international commitments regarding children's rights¹⁰¹.

knowledge from well-organized criminal enterprises in that country to a country ill-equipped to handle either the social or the criminal challenges posed by these deportees.

⁹⁹ Diario Latino, February 1993, cited in Smutt and Miranda 1998:32

¹⁰⁰ Figures for El Salvador from PNUD; for Nicaragua from Ministerio de Gobernación; for Honduras from Sección de Pandillas Juveniles de la Policía Preventiva.

¹⁰¹ Costa Rica passed such youth criminal codes in March 1996, El Salvador in June 1994, Guatemala in September 1996, Honduras in May 1996, and Nicaragua in May 1998. Most of this legislation stemmed from efforts to comply with

Further research is warranted, but two things seem clear. First, a purely law enforcement approach will not successfully confront the problems posed by youth gangs in the region. Complex social and economic risk factors must be addressed in an integrated, multidisciplinary manner. Appropriate preventive measures require analysis and coordinated efforts by governmental agencies, businesses, and NGOs to help provide recreation, jobs, social and psychological attention, and community work to guide young people away from violence to youth organizations and gangs (not all gangs engage in violence or crime). Occasional visits for an hour per week by social workers from a government institute are insufficient. Effective youth violence prevention must involve a serious presence and resources.

Second, purely social and economic programs are insufficient to address the very real problems of insecurity posed by the criminal behavior of members of some gangs, and thus some criminal justice element of an integrated youth violence prevention program is warranted. Specialized jurisdictions have been created in some countries, but the lack of experienced personnel has kept them from being fully effective. A backlash against youth criminal codes began in the mid-1990s, threatening to undermine the rights guaranteed by international conventions and new laws, as people blamed the laws rather than inadequate enforcement for continuing high rates of violent crime.

the 1989 UN Convention on the Rights of Children, approved by every country in the region except for Panama as of early 1999. See Chapter 10 of the UNDP's *Estado de la región en desarrollo humano sostenible*, San José, Costa Rica: UNDP, esp. Cuadro 10.2.

5. Recommendations

No simple, straightforward solution to the problem of violence exists. The central finding of this paper is that any effective response will require a long-term, multi-faceted, and inter-institutional approach. As the case of El Salvador shows, even relatively far-reaching institutional reforms to police, government human rights and judicial institutions are insufficient to redress violent common crime. Researchers of violence from fields as diverse as public health and political economy believe that effective violence reduction requires several years, multi-disciplinary approaches, and coordinated efforts involving both the government and civil society. Building upon incipient work by the Pan-American Health Organization and the Inter-American Development Bank, Central American governments and donors should adopt integrated, preventive approaches.

Perhaps the most salient gap in state responses to violence in Central America is the absence of integrated violence prevention policies. Each of the three elements of the phrase "integrated violence prevention" merits attention. First, more attention to "violence" rather than "crime" would help bring domestic violence, with its predominantly female and child victims, out from its subordinate position in governmental efforts to improve citizen security. This step is especially important given the relationship between abuse in the home and violent behavior later in life, which fuels crime and social violence.

A greater focus on "violence" versus "crime" would also contribute to the second element: an emphasis on "prevention" versus reactive, coercive, or "curative" policies. The term "crime" tends to conjure up threats to family, friends, and society, stimulating repressive policies which have not proven to be very effective. Transitions to democracy have unfortunately introduced the same sort of electoral pressures that exist in longstanding democracies, and politicians have felt compelled in many countries to back coercive responses to crime favored by the electorate. Yet the experience in more industrialized countries and within Latin America underscores the importance of preventive approaches to violence as the best way to reduce crime and violence while simultaneously protecting the citizen rights which stand at the heart of democratic governance.

Perhaps the least recognized requirement for effective violence prevention is the "integrated" character required of policies. In general, the governments of the region have not created inter-agency (inter-ministerial) violence prevention policy making or advisory bodies involving all the agencies which might have some impact on violence prevention — ministries of security, interior, justice, education, housing, youth/family/sports, and health, as well as ombudsmen, offices of women's issues, national statistics bureaus, electricity institutes, and municipalities. El Salvador, for example, formed an advisory National Public Security Council in 1996, but one of its findings was the absence of a coherent national governmental public security policy¹⁰².

Consequently, no coherent, multisectoral violence prevention policy exists. Instead, single agencies such as national police forces, the justice sector, or the youth courts have developed their own approaches to combat crime (usually not violence). Because police forces and security ministries are seen as the main protagonists in these issues, their approaches, which tend to be punitive and reactive rather than preventive and rehabilitative, have usually dominated national efforts. Top officials of some ministries are often unaware of their potential role in helping prevent violence and crime, and thus ministries of education, women's institutes, and housing authorities have not fully utilized their resources and capacity to help prevent violence through measures such as children's education in conflict resolution, improved street lighting, domestic violence education programs, and the physical layout of new neighborhoods.

What are the elements of an integrated violence prevention program? There is no consensus about what levels and areas of government should be incorporated or prioritized in an integrated violence prevention policy (World Bank 1997: 7). However, distinctions among certain categories help identify different options and levels at which state

¹⁰² This finding came notwithstanding the formulation of a strategic policing plan known as "Plan 2000." See "Resultados y conclusiones del Seminario sobre Políticas de Seguridad Pública," Consejo Nacional de Seguridad Pública, San Salvador, October 1997, p. 3. This report failed to note the absence of a broader violence prevention policy.

policies and other actions can occur. Some scholars have distinguished among three levels of intervention: primary, i.e., measures directed at the whole of society, such as education campaigns; secondary, i.e., measures directed at populations which are especially likely to become involved in crime (e.g., poor urban youths) or become its victims (e.g., poor or elderly women); and tertiary, i.e., measures directed at individuals already implicated in criminal behavior (e.g., convicted youths or parolees) (see Fourcaudot and Prevost, and Gassin, cited in Chinchilla and Rico 1997: 15). Different measures can address different populations. Another useful distinction is between efforts to address broader socio-economic factors associated with violence, such as domestic violence education programs, and those seeking to modify or remove situations which facilitate crime (*ibid.*). The latter include encouraging citizens to use locks, alarms, and bars to protect their property or whistles or self-defense techniques to defend their persons; improved street lighting; neighborhood patrols and support networks; after-school youth programs; etc. These are only examples of elements of an integral violence prevention effort.

International actors, with some exceptions, have tended to reinforce national actors' adoption of uncoordinated, reactive responses to crime rather than integrated violence prevention. Concerned about stability for capital and labor and eager to fight drug trafficking and other illicit international activities, international actors have conceived of rule-of-law programs principally in terms of judicial reform and police reform, focusing especially upon building capacities. By broadening these efforts to integrate violence prevention, international donors could facilitate more effective long-term solutions to these serious, multi-faceted problems. As mentioned above, some donors are already moving in this direction.

The analysis offered here rests on assumptions about current trends and circumstances. Obviously, not all circumstances can be foreseen. Several scenarios could require adjustment of the analysis presented here. Levels of violence may unexpectedly drop. Economic crisis may change the resource base for government action and foster new insecurities. War may recur and sideline non-political security problems. Preventing disastrous scenarios such as these calls for an array of policies. In the arena of citizen security, the recommendations offered here should help avoid these potential calamities.

Absent highly unlikely and unexpected events, however, high levels of violence and insecurity will probably pose obstacles to development over the coming decades. Even if levels of violence were to drop by half, the region would remain more violent than most of the world. Globalization, with its legal and illegal movement of people, goods, and ideas across national borders, is likely to expand in the next two decades. One consequence is likely to be more sophisticated cross-border organized criminal activity, challenging the ability of the region's legal systems to handle immigrants, drug trafficking, arms trafficking, and white-collar fraud and smuggling. These challenges heighten the need for regionally coordinated preventive and corrective responses which have historically been slow to become operational. Regional inter-governmental collaboration — by no means assured even by the Central American Integration System (SICA) — will require resources, political support, and infrastructure, especially to confront technologically sophisticated organized crime networks. At the same time, the next two decades will witness greater diffusion of models, ideas, and institutions across the region's governmental agencies, academics, and NGO's, possibly facilitating the development of effective policies and programs.

Integrated violence prevention will involve reoriented security policies on a number of levels. Much of current efforts of both national governments and international donors is heavily focused upon garnering the money, people, and equipment required to maintain minimally adequate programs. Certainly, keeping one's "head above water" is an indispensable, and not always easy, requisite for security and justice agencies. However, responding to the realities and opportunities outlined in this document will require more strategic efforts. Three broad challenges stand out over the coming two decades.

First, Central America's thinkers and policy makers must construct a new security framework appropriate for the region. The standards adopted in the "Framework Agreement on Democratic Security" are a laudable starting point toward reconceptualizing citizen security. These should be given higher priority and profile, and be translated into practice. In addition, more resources and political support should be channeled to accountability for police conduct, including internal oversight units and external oversight mechanisms. Governments and NGOs should seek innovative ways for citizens outside government to

participate in overseeing police forces and formulating public security policies. Donor policies and programs for public security forces must focus on broader, long-term institutional development — especially education, doctrine, and recruitment — than they have over the past two decades. In a similar vein, transformations in police education (perhaps eventually occurring in universities), field training and supervision, and selection procedures are necessary to change how often police personnel get out of the station, how they interact with citizens, and how much initiative they show. Just as police organizations must seek new ways to respond to local-level concerns, they should also seek to take advantage of “globalization” by strengthening regional police coordination and cooperation — in essence going both “below” and “above” the state.

Second, the problem of uneven and unequal access must be addressed. Newly reformed judiciaries and police forces in the region need to find ways to overcome the constraints facing poor, rural, and other marginalized populations who seek justice and security. Police are often unresponsive to the cases of poor complainants, and justice is often arbitrary or absent for those who are not well connected or wealthy enough to buy favors within the justice system.

Several measures would help widen access to poor and marginalized sectors. Governments should reinforce, not replace, informal judicial and conflict resolution processes which exist at local levels in indigenous communities. New domestic violence protections and the special units and agencies created to uphold them should be further institutionalized. In addition, rural areas require greater presence of judicial and police personnel and installations, rather than occasional visits from unresponsive city-based officials, as well as enhanced recruitment of rural personnel to serve in remote posts. In general, governments, regional organizations, and researchers should assess judicial performance based not solely upon overall statistics but also upon responsiveness to diverse social groups of complainants and upon the satisfaction of those complainants. Moreover, Central American societies should revisit the conceptualization of legal professions in the region, revising law school training to emphasize the application of the law and practical experience, rather than rote memorization.

Third, new efforts to enhance civil society's capacities, roles, and input must be undertaken. Donor governments and regional governments are generally more comfortable dealing with one another at the state level. Effective integrated violence prevention requires strengthening the capabilities of civil society organizations to serve as innovators, interlocutors, overseers, and implementation partners of government agencies. Governments and donors should support the formation of university programs on issues of violence prevention, citizen security, and criminology. Similarly, international actors should contribute to the capacity of NGOs for advocacy on issues of violence, citizen security, and judicial reform. These might include pilot projects in community-oriented policing, which should be carefully evaluated. Furthermore, governments and donors should foster innovative violence prevention programs targeting public and private schools, women's organizations, youth groups, and the media. And finally, international donors should consider support for cross-national travel and exchanges among civil society groups, including other regions of the world which have confronted problems of violence and criminal justice reform, to expose participants to alternative models and concepts and bolster transnational networks.

For most of Central America's inhabitants, the region's systems of security and justice have historically inspired fear, distrust, and alienation. International actors have frequently contributed to the problems of the region's judicial and security systems. Yet, for the first time in decades, conditions in the region and globally now offer the chance to build on new principles, political regimes, and organizations to stem violence through long-term, integrated, multi-faceted prevention efforts. We have much to learn about which prevention programs work and how well. But the need to undertake these programs is too important to pass up the present window of opportunity.

Bibliography

- Arias Calderón, Ricardo. 1994. "La desmilitarización de la seguridad pública en Panamá." Paper presented at Conference: *Demilitarizing Public Security and Protecting Human Rights: The International Community and Police Reform in Central America and Haiti*. Co-sponsored by the Washington Office on Latin America (WOLA), Johns Hopkins University SAIS and the North-South Center. Washington, D.C. November 1994.
- Bagley, Bruce M. 1992. "Myths of Militarization." In Peter H. Smith (ed.), *Drug Policy in the Americas*. Boulder: Westview Press.
- Bayley, David. 1985. *Patterns of Policing: A Comparative International Analysis*. New Brunswick, NJ: Rutgers University Press.
- Blair, Harry and Gary Hansen. 1996. *Weighing in on the Scales of Justice*. Washington, DC: USAID.
- Buscaglia, Edgardo and Maria Dakolias. 1996. *Judicial Reform in Latin American Courts: The Experience in Argentina and Ecuador*. World Bank Paper No. 350. Washington, DC: World Bank.
- Buscaglia, Edgardo, Maria Dakolias, and William Ratliff. 1995. *Judicial Reform in Latin America: A Framework for Development*. Stanford, CA: Hoover Institute.
- Buvenic, Mayra, Andrew Morrison, and Michael Shifter. 1998. "Violence in Latin America and the Caribbean: A Framework for Action." Draft Paper presented at IDB Seminar on "Building Peaceful Societies: A Framework for Action," Cartagena, Colombia, March 1998.
- Byrne, Hugh, Rachel Garst and William Stanley. 1999. *Rescuing the National Civilian Police: A Challenge for the New Government*. Washington, DC: WOLA. December 1999 report.
- Call, Charles T. 2000. "Assessing El Salvador's Transition from War to Peace." Paper prepared for Stanford University/International Peace Academy project on Implementing Peace Agreements. Forthcoming in edited volume.
- _____. 1999. "From Soldiers to Cops: 'War Transitions' and the Demilitarization of Public Security in Latin America and the Caribbean." Ph.D. Dissertation in Political Science. Stanford University.
- _____. 1998. "Institutional Learning within the U.S. International Criminal Investigative Training Assistance Program." In Oakley, Robert, Michael Dziedzic and Eliot Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security*. Washington, D.C.: National Defense University.

- _____. 1997. "Police Reform, Human Rights and Democratization in Post-Conflict Settings: Lessons from El Salvador." In Krishna Kumar (ed.) *After the War is Over, What Comes Next?* Washington, D.C.: U.S. Agency for International Development.
- Carranza, Elias. 1997a. "La problemática de la seguridad ciudadana en Centroamérica." In Chinchilla 1997.
- Carranza, Elias (ed.). 1997b. *Delito y seguridad de los habitantes*. Mexico: Siglo XXI.
- CENIDH (Centro Nicaragüense de Derechos Humanos). 1997. *Informe anual 1997: Nicaragua derechos humanos*. Managua: CENIDH.
- Cervantes, Luis. 1999. "La administración de justicia en América Central." Draft paper prepared for Proyecto Centroamérica 2020." San José. Agosto 1999.
- Chevigny, Paul. 1995. *The Edge of the Knife: Police Violence in the Americas*. New York: New Press.
- Chinchilla, Laura (ed.). 1997. *Documentos de un proceso de reforma policial en Centroamérica*. San José, Costa Rica: European Union.
- Chinchilla, Laura and José María Rico. 1997. *La prevención comunitaria del delito: perspectivas para América Latina*. Miami: Centro para la Administración de Justicia, Florida International University.
- Córdova Macías, Ricardo. 1999. *El Salvador: reforma militar y relaciones cívico-militares*. San Salvador: Fundación Guillermo Ungo.
- Correa, Jorge. 1999. "Judicial Reforms in Latin America: Good News for the Underprivileged?" Chapter in Juan E. Méndez, Guillermo O'Donnell, And Paulo Sérgio Pinheiro (eds.), *The (Un)Rule of Law and the Underprivileged in Latin America*. South Bend, IN: Notre Dame University Press.
- Costa, Gino. 1999. *La Policía Nacional Civil de El Salvador, 1990-1997*. San Salvador: UCA Editores.
- CRIES 1999. *Violencia social en Centroamérica: ensayos sobre gobernabilidad y seguridad ciudadana*. Elvira Cuadra editor. Managua: CRIES.
- Cruz, José Miguel and Nelson Portillo Pena. 1998. *Solidaridad y violencia en las pandillas del gran San Salvador*. San Salvador: UCA Editores.
- Cruz, José Miguel, Luis Armando González, Luis Ernesto Romano, and Elvio Sisti. 1997. "La violencia en El Salvador en los noventa: magnitud, costos y factores posibilitadores." Draft paper prepared

- for the Inter-American Development Bank. San Salvador. October 1997.
- Darling, Juanita. 1999. "Unsolved Murder Weakens Faith in Guatemalan Justice System." *Los Angeles Times*. 30 May 1999. Page A3.
- Dakolias, María. 1996. *The Judicial sector in Latin America and the Caribbean : Elements of Reform*. World Bank Technical Paper No. 319. Washington, DC: World Bank.
- De León Escribano, Carmen Rosa and Claudinne Ogaldes. 1999. "Guatemala: diagnóstico de la problemática posconflicto." Chapter in CRIES *Violencia social en Centroamérica*.
- Dodson, Michael and Donald Jackson. 1998. "Political Will and Public Trust: El Salvador's Ombudsman for the Defense of Human Rights and the Dilemmas of Institution-Building." Unpublished paper.
- Esquit Choy, Edgar and Carlos Ochoa García (eds.). 1995. *Yiqalil q'anej kunimaaj tzij niman tzij: el respeto a la palabra*. Guatemala: Centro de Estudios de la Cultura Maya.
- Fernández, Oswaldo. 1997. "La cooperación policial en América Central." Chapter in Laura Chinchilla (ed.) *Documentos de un proceso de reforma policial en Centroamérica*. San José, Costa Rica: European Union.
- Foro Ciudadano. 1999. *La ciudadanía pide la palabra*. Tegucigalpa, Honduras: CEDOH.
- Groebel, Jo. 1998. "The UNESCO Global Study on Media Violence," study for UNESCO, Paris, 19 February 1998.
- Grupo Conjunto. 1994. *Informe del Grupo Conjunto para la Investigación de Grupos Armados Ilegales con Motivación Política en El Salvador*. San Salvador: United Nations. July 1994.
- Guerrero, Rodrigo. 1997. "Prevención de la violencia a través del control de sus factores de riesgo." Paper presented at Conference on "La Ciudad Latinoamericana y del Caribe en el Nuevo Siglo." Barcelona, Spain.
- _____. 1996. "Epidemiología de la violencia: el caso de Cali, Colombia." In *Hacia un enfoque integrado del desarrollo: ética, violencia y seguridad ciudadana*. Encuentro de Reflexión. Washington, DC: Banco Interamericano de Desarrollo.
- Guevara Mann, Carlos. 1996. *Panamanian Militarism*. Ohio State University Monograph Series.
- Guido Bejar, Rafael. 1999. "Pensar la violencia en El Salvador de fin de siglo." Chapter in CRIES, *Violencias social en Centroamérica*. Managua: CRIES.

- Gutiérrez, Edgar. 1999. "Violencia e inseguridad en Guatemala." Chapter in Edelberto Torres-Rivas and Juan Alberto Fuentes (eds.), *Guatemala: las particularidades del desarrollo humano*. Volume I. Guatemala: F&G Editores.
- Hammergren, Linn A. 1998a. "Institutional Strengthening and Justice Reform." Draft Paper prepared for USAID Center for Democracy and Governance, Washington, DC. January 1998.
- Hammergren, Linn A. 1998b. "Code Reform and Law Revision ." Draft Paper prepared for USAID Center for Democracy and Governance, Washington, DC, February 1998.
- Hammergren, Linn A. 1998c. "Political Will, Constituency Building and Public Support in Rule of Law Programs." Draft Paper prepared for USAID Center for Democracy and Governance, Washington, DC, March 1998.
- Hammergren, Linn A. 1997. *The Politics of Justice Reform in Latin America*. Boulder: Westview Press.
- Heise, Lori L. 1994. *Violence Against Women: The Hidden Health Burden*. World Bank Discussion Paper No. 255. Washington, DC: World Bank.
- Ibanez, Perfecto Andrés. 1997. "Gobierno democrático del poder judicial." in Martínez Ventura (ed), *Justicia para todos*. San Salvador: FESPAD
- Inter-American Development Bank. 1997. *Studies of the magnitude, costs and policies against violence in six places: Lima, Rio de Janeiro, San Salvador, Mexico, Venezuela and Colombia*. Prepared for the Chief Economic Officer of the IDB. Washington, DC: Inter-American Development Bank.
- Isacson, Adam. 1997. *Altered States*. Washington, DC: Center for International Policy.
- Kincaid, A. Douglas and Eduardo Gamarra. 1995. "Disorderly Democracy: Redefining Public Security in Latin America." Paper prepared for the XIX Congress of the Latin American Studies Association, Washington, D.C. September 1995.
- _____. 1994. "Police-Military Relations: The Challenges of Public Security and Democracy in Latin America." Draft paper prepared for the XVIII Congress of the Latin American Studies Association, Atlanta, GA, March 10-12, 1994.
- Kritz, Neil. 1995. *Transitional Justice: How Emerging Democracies Reckon with Former Enemies*. Volume I. Washington: US Institute of Peace Press.

- Londono, Juan Luis. 1996. "Violencia y capital social." Paper presented at Second Annual Conference of the World Bank on Development in Latin America and the Caribbean. Bogotá, Colombia.
- Martínez Ventura, Jaime. 1997. *Justicia para todos*. San Salvador: FESPAD.
- McAdams, A. James. 1997. *Transitional Justice and the Rule of Law in New Democracies*. South Bend, IN: University of Notre Dame Press.
- McClintock, Michael. 1985. *The American Connection, Volume One: State Terror and Popular Resistance in El Salvador*. London: Zed Books.
- Méndez, Juan E., Guillermo O'Donnell, And Paulo Sérgio Pinheiro (eds.). 1999. *The (Un)Rule of Law and the Underprivileged in Latin America*. South Bend, IN: University of Notre Dame Press.
- Millett, Richard L. 1977. *Guardians of the Dynasty: A History of the U.S.-Created Guardia Nacional de Nicaragua and the Somoza Family*. New York: Orbis Books.
- Ministerio de Justicia de El Salvador et al. 1998. *La prevención de la delincuencia juvenil en El Salvador: hacia la formulación de una política social integral*, San Salvador: Ministerio de Justicia.
- Ministry of Security Publica (Costa Rica). 1998. "Documentos del proceso de evaluación." Proyecto Piloto de Seguridad Comunitaria, Distrito de Hatillo. San José, Costa Rica: Ministerio de Seguridad Pública. April 1998.
- Montgomery, Tommie Sue. 1995. *Revolution in El Salvador: From Civil Strife to Civil Peace*. 2nd edition. Boulder: Westview Press.
- Morrison, Andrew. 1999. "Violence Prevention More Cost-Effective than Cures." *Social Development*. Bulletin of the Social Development Division of the Inter-American Development Bank. Washington, DC. June 1999.
- Morrison, Andrew and Maria Loreto Biehl. 1999. *Too Close to Home: Domestic Violence in the Americas*. Washington, DC: Inter-American Development Bank.
- Moser, Caroline. 1996. "Urban Poverty and Violence: Consolidation or Erosion of Social Capital?". Second Annual World Bank Conference on Development in Latin America. Bogota. July 1996.
- Moser, Caroline and Jeremy Holland. 1997. *Urban Poverty and Violence in Jamaica*. Washington, D.C.: World Bank.

- Neild, Rachel. 1999. "Confronting a Culture of Impunity: The Promise and Pitfalls of Civilian Review of Police in Latin America." Unpublished ms.
- _____. 1998. *Themes and Debates in Public Security Reform: A Manual for Civil Society*. Washington, D.C.: WOLA.
- Organización Panamericana de Salud. 1999. *Revista Panamericana de Salud Pública*. Número Especial Sobre la Violencia. Vol. 5 (4/5). Abril-Mayo 1999. Washington, DC: PAHO.
- O'Rawe, Mary and Linda Moore. 1997. *Human Rights on Duty: Principles for Better Policing – International Lessons for Northern Ireland*. Belfast: Center for the Administration of Justice.
- _____. 1997. *Violence in the Americas: The Social Pandemic of the 20th Century*. Washington, DC: PAHO.
- Perez, Thomas E. 1998. "External Governmental Mechanisms of Police Accountability: Three Investigative Structures." Paper prepared for the Vera Institute. New York.
- PNUD (U.N. Development Programme). 1999. *Estado de la región en desarrollo humano sostenible*. PNUD: San José, Costa Rica.
- Popkin, Margaret. 1995. Forthcoming book on the Salvadoran Legal System and the Peace Process (draft). New Haven, CT: Yale University Press.
- Rico, José María. 1997. *Justicia penal y transición democrática en América Latina*. Mexico: Siglo XXI Editores.
- Rivera, Sneider. 1998. *La nueva justicia penal juvenil*. San Salvador: Impresos Litográficos (sponsorship: FESPAD, UNICEF, PDDH, Min. Justicia's UTE, ISPM, PNUD y Organo Judicial). January 1998.
- Rowat, Malcolm, Waleed H. Malik, and Maria Dakolias (eds.). 1995. *Judicial Reform in Latin America and the Caribbean*. World Bank technical paper No. 280. Washington, DC: World Bank.
- Rubio, Mauricio. 1998. "Los costos de la violencia en América Latina." Paper presented at IDB Conference on "Convivencia y Seguridad Ciudadana en el Istmo Centroamericano." San Salvador, El Salvador, June 1998.
- Saldomando, Angel. 1999. "Nicaragua: los rostros de la violencia." Chapter in CRIES, *Violencia social en Centroamérica*.
- Salomón, Leticia. 1999. "Honduras: transición policial, retos democráticos e inseguridad ciudadana." Chapter in CRIES, *Violencia social en Centroamérica*.

- Shifter, Michael. 1997. "Violence and the Media: The Democratic Agenda." Paper prepared for Conference on Urban Crime, Rio de Janeiro, March 1997.
- Sieder, Rachel. 1996. *Central America: Fragile Transitions*. New York: St. Martin's Press.
- Smutt, Marcela and Jenny Lisette E. Miranda. *El fenómeno de las pandillas en El Salvador*. San Salvador: FLACSO and UNICEF, March 1998
- Stanley, William. 1996. *The Protection Racket State: Elite Politics, Military Extortion, and Civil War in El Salvador*. Philadelphia, PA: Temple University.
- Stanley, William and Charles Call. 1996. "Police Reform in El Salvador." In Krishna Kumar (ed.), *Rebuilding War-Torn Societies*. Boulder: Lynne Rienner.
- Stanley, William and David Holiday. 2000. "Everyone Participates, No One is Responsible." Paper prepared for Stanford University/International Peace Academy project on Implementing Peace Agreements after Civil Wars. Forthcoming in edited volume.
- Stotzky, Irwin P. 1993. *Transition to Democracy in Latin America: The Role of the Judiciary*. Boulder: Westview Press.
- Universidad Centroamericana José Simeón Canas. Various years. *Estudios Centroamericanos*. San Salvador, El Salvador.
- Williams, Philip and Knut Walter. 1997. *Militarization and Demilitarization in El Salvador's Transition to Democracy*. Pittsburgh: University of Pittsburgh Press.
- WOLA (Washington Office on Latin America). 1999. "U.S. International Drug Control Policy: A Guide for Citizen Action." Report. Washington, DC: WOLA. May 1999.
- WOLA/Hemisphere Initiatives. 1996. *Protectors or Perpetrators: The Institutional Crisis of the Salvadoran Civilian Police*. Report by William Stanley. Washington, D.C.: Washington Office on Latin America (WOLA) and Hemisphere Initiatives. January 1996.
- WOLA (Washington Office on Latin America). 1991. *Clear and Present Dangers: The U.S. Military and the War on Drugs in the Andes*. Washington, DC: WOLA.
- World Bank. 1997. "Crime and Violence as Development Issues in Latin America and the Caribbean." Washington, D.C. World Bank. Paper drafted by Bob Ayres for Seminar on Urban Criminal Violence, Rio de Janeiro, 2-4 March 1997.

- Wulf, Herbert. 1994. "La desmovilización del personal militar como problema y como recurso potencial para el desarrollo humano." Chapter in Francisco José Aguilar Urbina (ed.), *Desmovilización, desmilitarización y democratización en Centroamérica*. San José, Costa Rica: Fundación Arias y Centro Internacional para los Derechos Humanos y el Desarrollo Democrático.
- Zamora Cordero, Mario Enrique. 1997. "La situación en Costa Rica: la perspectiva policial." Chapter in Elías Carranza (ed.), *Delito y seguridad de los habitantes*. Mexico: Siglo XXI.

Central America 2020

Background

During the 1990s Central America went through processes of profound change on the political scene, with democratic governments being set up in all states in the region. However, the political changes were not accompanied to a sufficient extent by parallel economic and social transformations, so Central America continues to be the continent's poorest region. At the same time the armed conflicts of the previous decade led to greater backwardness in the region in terms of social development (education, health and life expectancy of its population).

This situation has led to increasing awareness in the Central American countries of the importance of implementing profound changes, and the need to establish a regional development model for all the states in the area has grown increasingly apparent. So various actions have been initiated with the goal of achieving regional economic integration, thus reactivating the common internal market.

However, these forces of integration have often found themselves impeded by the lack of an adequate institutional framework capable of meeting the challenges that the future will pose. This is precisely where the international community could support the regional development process in the area in the long term, and the present project *Central America 2020* is in keeping with this.

Project objectives

The aim of *Central America 2020* is to promote sustainable development in the region, starting from a concept of development as a dynamic, multidimensional process consisting of:

- sustained economic growth
- improvement in social well-being
- guarantees of citizenship for all social, gender and ethnic categories.

PREVIOUS PAGE BLANK

This definition of development is sound and was devised before Hurricane Mitch struck the region in October-November 1998, with devastating effects. It is not that the definition now lacks relevance, but Mitch served to remind us of the region's vulnerability to natural disasters and of the state's meagre capacity to respond in an effective way. In this context, sustainability acquires a special significance in Central America: natural disasters are inevitable, but they must not be made worse by human action, nor must their consequences be aggravated by the incapacity or incompetence of the state and its institutions.

One of the chief objectives of the *Central America 2020* project is to contribute toward the Central American states' regional integration process, taking stock of the results achieved so far and examining the current difficulties and those which are likely to emerge in the medium term in the politico-institutional field.

The specific objectives are:

1. To mount a comprehensive regional survey of contemporary development issues. The questions asked must take into account three intersecting issues:
 - relations between the state, the market and civil society
 - options at the local, national and regional level
 - the viability of sustainable development in Central America
2. To ensure the participation and contribution of a wide range of key regional players in the course of research.
3. To provide governments and other sectors in the region with various policy options and recommendations
4. To promote regional identity among the public and private players involved in development
5. To extend the project results to the international players that are most active in the region's development dynamics, including multilateral organisations and NGOs
6. To make policy recommendations to the United States and the European Union for more effective aid programmes.

The project's findings will be presented at a major international conference to be held in Central America during 2000 and at seminars in Washington, D.C., and Brussels. They will also be distributed in a series of working papers, monographs and books published in English and Spanish and also available on the Internet, the Spanish and German versions at <http://www.rrz.uni-hamburg.de/IIK/za2020> and the English version at <http://ca2020.fiu.edu>.

Steering Committee:

Project Directors:

KLAUS BODEMER, Institute for Ibero-American Studies (Hamburg)
EDUARDO GAMARRA, Latin American and Caribbean Center of Florida International University (Miami)

Academic Directors:

SABINE KURTENBACH, Institute of Ibero-American Studies (Hamburg)
MICHAEL SHIFTER, Inter-American Dialogue (Washington D.C.)

Lead Consultants:

VICTOR BULMER-THOMAS, Institute of Latin American Studies, University of London
DOUGLAS KINCAID, Latin American and Caribbean Center of Florida International University (Miami)

Centralamerican Experts:

FERNANDO DURÁN, Arias Foundation for Peace and Human Progress (Costa Rica)
CARLOS ROSALES, Secretary of Communication (El Salvador)

Representatives of the Project Sponsors:

MENDEL GOLDSTEIN, Head of Unit Directorate México, Central America and Cuba, European Commission DG IB (Brussels)
MARGARET SARLES, U.S. Agency for International Development (Washington D.C.)

CA 2020: Working Papers

1: PABLO RODAS-MARTINI: Centroamérica: Para afrontar con éxito la globalización del siglo XXI
ISBN 3-926446-73-0

2: CLARENCE ZUVEKAS, JR.: The Dynamics of Sectoral Growth in Central America: Recent Trends and Prospects for 2020
ISBN 3-926446-74-9

3: LUIS GUILLERMO SOLÍS RIVERA: Centroamérica 2020: La integración regional y los desafíos de sus relaciones externas
ISBN 3-926446-72-2

4: SARAH MAHLER: Migration and Transnational Issues. Recent Trends and Prospects for 2020
ISBN 3-926446-71-4

5: JUAN PABLO PÉREZ SÁINZ: Las cuentas pendientes de la modernización. Tendencias laborales y sus efectos sobre la integración en el Istmo Centroamericano
ISBN 3-926446-70-6

6: CARLOS SOJO: El traje nuevo del emperador: La modernización del Estado en Centroamérica
ISBN 3-926446-69-2

7: CLAUDIA SCHATÁN: Desarrollo económico y medio ambiente
ISBN 3-926446-68-4

8: CHARLES T. CALL: Sustainable Development in Central America: The Challenges of Violence, Injustice and Insecurity
ISBN 3-926446-67-8

9: GÜNTHER MAIHOLD / RICARDO CORDÓVA: Democracia y ciudadanía en Centroamérica. Perspectivas hacia el 2020
ISBN 3-926446-75-7

10: KNUT WALTER: La educación en Centroamérica: Reflexiones en torno a sus problemas y su potencial
ISBN 3-926446-66-8