

The world's most violent region

BY GIORGIO MALFATTI DI MONTE TRETTO

Criminality and violence negatively impacts the lives of victims and protagonists but in the case of Latin America, has created a situation that is detrimental to the economic growth of the region. Creating an irremovable perception of danger in the minds of its population.

A group called **Mães de Maio** urging the government to take action to reduce the death of young blacks that are murdered at a rate of one every 23 minutes in Brazil, with 23,000 dead each year, in São Paulo, Brazil, April 2, 2017

The Latin American region is currently the most violent in the world. The presence of organized crime groups in the whole region, and particularly in Central America, and the levels of drug, human, firearms trafficking are particularly worrying. Most of these phenomena, as well as money-laundering, cybercrime, and corruption, have a transnational nature which precludes any one country from resolving the problem. International co-operation is the only way to fight these criminal activities and provide citizens with better security and living conditions.

The main objective is to strengthen the rule of law and to enhance citizen security in Latin America. Democracy and legality are two fundamental principles that must be shared, by all. In Latin-America, democracy has been gaining tenuous footholds in the past years, becoming a shared ambition of local populations.

On either side of the Atlantic, rule of law is considered an essential element guaranteeing equality, respect for human rights and shared prosperity and citizen security. In fact, the capacity for a State to guarantee the security of its citizens is the bedrock of the monopoly on the legitimate use of force.

This is where some differences begin to appear between the European Union and Latin America. Whilst for many years, the European construct has focused on the creation of a common security and justice, the LA region has experienced the inverse with rising criminality and heightening levels of insecurity.

With the highest rate of violent crime in the world, the LA region is pushed to find a solution to the challenges of combating organised crime. Despite the eco-







The coffin of Karla Estrada, killed and beheaded, by her ex-husband, became the 39th victim of gender-based murder of the year in Nicaragua. Managua, August 24, 2017.

conomic growth of the region in the past years, insecurity has hampered progress for more than 25 years, and succeeding governments have not been able to find a solution to the issue.

Common challenges linked to legality and security are shared by the region as a whole, with the shortcomings of the education sector and the weakness of the institutions contributing to the proliferation of insecurity and crime. Poverty and inequality throw fuel on the current volatile situation, with major social issues at the core of the problem. The alternating of repressive and preventative security policies, which have never been balanced, the insufficient reform of policing bodies and the occasional use of the armed forces, have not brought any conclusive results. Insecurity and, especially, the perception of insecurity by citizens, has never been higher in the region, forcing governments to employ new tactics and create new dynamics to try and resolve the situation.

Between 16.8% and 51.5% of population have limited their recreational activities during the day, with the percentage increasing from 45% to 65% at night, de-

pending on the municipality, province, country and sub-region. In fact, with an average of 23 homicides per 100,000 inhabitants, and 22 of the 25 most dangerous cities in the world located in Latin America fear predominates. To see the situation in perspective, let's consider that there are 6.7 murders per 100,000 inhabitants worldwide. The difference varies substantially among Latin-American countries. El Salvador and Venezuela have respectively 103 and 90 homicides per 100,000 inhabitants. Chile and Bolivia are at the bottom of the murder rate with 3 and 5 per 100,000.

Lethal violence has an economic impact. The direct cost of lethal violence in percentage of GDP, which includes such costs as public spending on the criminal justice system and law enforcement, varies from 10.54% in Honduras, 8.70% in Paraguay to 3.32% in Chile, 3% in Uruguay and 2.52% in Costa Rica. However, if the indirect costs of violence, such as victim programmes and health treatments, are added, the percentage of GDP spent because of lethal violence increases to 14% in El Salvador or in USD terms 10 billion in Brazil and 4 billion in Colombia.



LAW ENFORCEMENT

The prison systems have a significant impact in LA economies. Resulting from repressive policies to tackle lethal violence in the region, the LA prison system is overcrowded and considered as the main "training centre" for criminals and organized crime. Ten of the principal LA prisons have an occupancy rate that exceeds 200%. The highest rates can be found in El Salvador (320%), Venezuela (270%) and Bolivia (256%).

The insufficiency of prison staff, their limited training, and, in many cases, the absence of a correctional career path, facilitate corruption, resulting in demotivation. This makes it impossible for staff to engage with treatment objectives of penitentiary activity and, in general, leads to the poor management of prisons.

Overcrowding leads to deterioration in living conditions and generates violence, which facilitates the proliferation of criminal bands and groups, and, in general, means multiple violations of the human rights of persons already deprived of their liberty.

The absence of adequate management of the prison population in detention centres fosters crimes committed inside prisons and creates a framework of

impunity for the perpetrators.

The lack or insufficiency of systems for collecting objective and reliable data prevents any endeavour that would enable the introduction of essential strategic planning for reform and the sustainable management of prisons. The absence of adequate supervision and inspection mechanisms in the hands of independent bodies does nothing to help resolve the issue.

Improvement of conditions and services in prisons is not a priority in most countries. Social awareness policies and political will to invest in prison systems and, particularly, in their structures, are lacking.

At present, in many countries, public opinion considers prisoners as irrelevant. In this context, national authorities are not overly keen to pursue expensive agendas sustaining the rights of prisoners. The problem is exacerbated by the fact, that as a consequence of the abolition of the death penalty, every prisoner is liable to be freed and return to society one day. The question of their treatment and the necessity to transform the period of incarceration into a period of rehabilitation is therefore paramount.

A police officer attends the funeral of a murdered colleague, at the Nossa Senhora do Belém cemetery in Duque de Caxias, Rio de Janeiro, Brazil, August 27, 2017.



Members of Bolivia's Special Squad against Drug Trafficking arrange a ton of cocaine in packages, seized on the eve near the locality of Baures, during its presentation to the press in Trinidad, El Beni, Bolivia on July 19, 2017.

Juvenile offenders generally do not benefit from specific or tailored imprisonment programmes, creating the concern that this population, particularly permeable to other prisoners' influence, transforms the prison system in a kind of "University of Crime". It is estimated that between 20.4% and 84% of the LA population in a situation of privation of liberty is held in pre-trial detention and waiting for trial or sentence, of which a significant percentage are young people between 18 and 24 years old.

In fact, the greatest impact of violence affects young people and adolescents at risk or in social exclusion. Around 25% to 32% of the LA and Caribbean population between 12 and 24 years old suffers various types of social exclusion such as dropping out of school, teen parenting, unemployment, drugs addiction, and have been arrested at least once. In addition, six million children and adolescents suffer, every year, severe abuses, including abandonment, which promotes and amplifies the cycle of violence and delinquency and increases the chances of victims becoming perpetrators.

In this sense, particular attention is paid to youth violence not only because of the impact it has on families and communities, where the youth live, but also the impact it can have on the future of this part of the population. The homicide rate among young LA adolescents between 15 and 29 years old is 68.9 per 100,000 inhabitants, of whom one in five are femicides.

While data shows that the issue of insecurity is different from one country to another, there are some main characteristics that are transversal to the region.

Even though poverty and inequality has diminished in the majority of LA States in the past decade, the homicide rate has continued to rise in more than half of the investigated countries.

In the last year, a third of the LA population reported being a victim of a violent situation. The average rate of homicides in LA is double that of Africa, and five times higher than Asia. With only 9% of the world's population, the LA region accounts for more than 30% of the homicides committed each year in the world.

Insecurity, theft and assassinations have become a real plague: in Honduras, the rate has risen to 84 homi-



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cides for 100.000 inhabitants, 31 in Colombia, 28 in Brazil and 19 in Mexico. On the contrary, some countries present figures that are closer to the situation in Europe, such as Chile with only 3 homicides per 100.000.

More than 165.000 people have been murdered in the LA and Caribbean region. 75% of these homicides were committed by firearms, percentage that rises to 90% in Venezuela and 77% in El Salvador. Of these murders 30% are linked to organized crime groups.

Central America in general but most particularly the three countries of the Northern Triangle (Guatemala, Honduras, El Salvador) are literally overwhelmed by violence. At a lesser level, though still preoccupying is the situation in Venezuela, Brazil or Colombia, that are threatened by the rise of criminal organizations, while Chile, Ecuador, Argentina and Costa Rica, manage to maintain a satisfactory level of security.

Insecurity is the main problem in LA, despite the disappearance of the guerrillas that destabilized the region in the 90's. The resonance of violent events, that recently occurred in Mexico for example, has raised

concern for the whole region. In many countries, the issue of personal security is the principle concern for the population, more than the economic situation.

As recently evidenced in Argentina where the government trying to solve inflation, met with apathy in trying to adapt its agenda, considered less important than the security issue. Even in Peru, a country where security was not a central issue, it has become a principal concern, with 70% considering delinquency as a major problem. Forcing the Peruvian government, to take quick measures to address the issue.

Recent mobilizations in Uruguay, Chile and Bolivia have shown that a more resolute intervention against violence, in no way reduces the perception of insecurity which is more of an issue than the a lack of security in itself. The relative incapacity of governments to fight against crime and the perception of insecurity, undermines the confidence citizens have in their political authorities but also and, above all, in their law enforcement agencies.

Many policies and practices have been tried in the past, nonetheless, an encompassing solution has not

A gang member lies on the floor handcuffed by the special anti-gang unit (Unidad Antipandillas) during a night raid in Soyapango, San Salvador, El Salvador.



Assault rifles seized from members of the Barrio 18 and Mara Salvatrucha gangs after a police operation launched following information from the Marco Aurelio Soto national penitentiary in Tamara, 20 km north of Tegucigalpa, August 29, 2017.

been found. For instance, Guatemala has experimented both a moderate security policy *mano blanda* and a repressive policy *mano dura*, without being able to effectively resolve the problem. The cyclical and short-term nature of these policies is very probably an explanation for their failure.

As in many other areas, comprehensive and global measures, in a continuous process, are needed for reforms to be fruitful. Moreover, the capacity to elaborate national policies in this area is key to address the problem in a structural way.

Economic and human resource investments in law enforcement and justice budgets are ineffective if there is no political will, which is the most fundamental element for the success of these policies. In many cases, this requires the political will and dynamic capacity to mobilize and involve every political force in the country, in order to share common goals and baseline objectives of medium and long-term policies.

In this context, the potential for improvement is important, particularly in the context of capacity building

and the advancement of professional skills of the actors in charge of the criminal justice chain, from the investigative level to the penitentiary management.

Political will is essential but without a resolute support from the principal actors, reforms and evolutions of processes are doomed to fail. In many cases, internal resistance to change can become a factor in the lack of a successful implementation of new programmes. Police forces, judges, prosecutors, penitentiary administrators, must feel themselves to be an active part of the policies they are expected to implement. Law enforcement structures and the people that run them are the engine of change. Creating positive dynamics between people, structures and institutions is essential.

An important pedagogy effort is needed for all key players to understand what the objectives are and what is expected from them. Enhancing their capacities, professionalism, probity, and teaching them how to work better together is obvious and necessary. Still, training for training's sake is not the point but a means to an end.



AP/WIDEWORLD PHOTOS

Improved consideration is needed, primarily by politicians. Low wages and the absence of a career path in many cases work against a strong commitment and motivation of law enforcement officers. Though there are many occasions to criticize them and, in some cases, with good reason, public opinion is often very critical of the behaviour of their police or justice forces. To regain the confidence of the public, politicians have to understand the causes of this mistrust, and they are many. Specializing, empowering, trusting, rewarding are crucial elements in this context. Opening up to other realities and promoting the exchange of best practices is also fundamental.

As for the LA region, the greatest risk for consolidating and developing prosperity relies on the security and justice structures. In particular, citizen security on a national scale and organized crime at a transnational scale occupy a pre-eminent place on the political agendas of the region.

Organized crime is the underlying and immediate source of numerous human rights violations in the

continent, representing a failure in the very structure of the rule of law.

Its various manifestations represent one of the greatest challenges to development in the region, and have a direct impact on its economic prosperity and in the confidence that its democratic institutions can inspire in its citizens.

The problem affects the entire region for various reasons. Threats to institutional legitimacy and economic development are evident in all LA states to a greater or lesser degree. Transnational criminal structures complicate the fight against crime enormously from the national perspective, making it necessary to adopt measures from different levels that go beyond national borders;

These problems that are essentially transnational are compounded in the region by borders that are often highly permeable. As a result, they produce effects that go well outside the American continent.

LA should develop a consistent and well-defined regional institutional organization dedicated to securi-

Prisoners in the playground number 2 at the Villahermosa jail, in Cali, Colombia. According to the INPEC (National Prison Institute), the Villahermosa jail has a capacity of 1667 prisoners and there are currently about 5855 inmates, an overpopulation of 251%.



The closing arguments in the oral trial for a murder which occurred in Vilcún in January 2013, in the Criminal Court of Temuco, Chile, October 18, 2017.

ty and justice that incorporates continental and sub-regional bodies for addressing legal matters collectively. This would give rise to successful processes for multilateral implementation of regulations and could also be inserted in global scenarios, especially in the strategies of the United Nations and in intercontinental dialogues with the EU. These institutions, however, would need to gather support to gain strength, effectiveness, and operability.

When conducting an analysis of background factors, needs, and future prospects, one must not overlook the nature of the legal systems that coexist in LA, which share a continental structure. With influences from the Spanish, French, Italian and Portuguese systems, they have a certain degree of uniformity in their national and regional articulation.

There is a need for a better understanding of the evolution of LA criminal procedures towards systems based more on scientific evidence, which will also necessarily determine the design of a judicial co-operation

system. In fact, fighting criminal activities, in their different forms, is not only a police, justice, and penitentiary issue. Law enforcement officers are key in leading a systematic and effective fight against organized crime.

Nevertheless, social and economic factors cannot be forgotten. Poverty and inequality are very powerful engines for criminal groups as they provide them access to the most vulnerable elements of the population, offering them a cheap and docile "labour force", in particular young and impressionable people who fall into criminality with low chances of recuperation.

The raising of young offenders linked to organized crime is a great concern in many countries as young generations represent the future of any society.

The economy is also directly linked to organized crime. Apart from controlling territories, making money is the main goal of criminal organizations, with the first being indisputably linked to the second. Maintaining criminal activities is very costly though, and the



LUCIA BELLORE/REUTERS VIA GETTY IMAGES

more a criminal group expands, the more money it will need to carry out its activities. This is why a merely “classical” fight against organized crime has less and less chances of succeeding.

Following the money through the development of seizing, confiscating and recovering criminal assets is a way with proven efficiency. Increasing the fight against cybercrime is also a path towards a measurable reduction of violent phenomena. Caring more about the quality and application of sentencing is equally fundamental.

For many years, law enforcement officers have concentrated in the investigation, prosecution and sentencing of persons linked to organized crime, without paying any real attention to the servicing of the sentence. This has created a situation, in various countries, where organized criminals partially or totally control the prisons and lead their criminal activities from inside the jails, sometimes more comfortably.

In a resolute fight against organized crime, this sit-

uation has to come to an end. Considering the current situation in many countries, this is an enormous challenge, taking into account that this evolution needs to be achieved respecting or enhancing human rights. Penitentiary systems are, in many countries, close to collapsing with disturbing rates of overcrowding. This situation has tremendously negative effects on the motivation of the penitentiary agents, the respect of the rights of the persons deprived of their liberty and, in many cases, turns the penitentiary system into a criminal fabric machine.

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Police officers during a training drill dictated by Peruvian National Police at the National Direction of special Operations in Lima, Peru, April 30, 2017.