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CITIZEN SECURITY AND HUMAN RIGHTS

INTRODUCTION

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SUR 16 was produced in collaboration with the **Regional Coalition on Citizen Security and Human Rights.**[1] Every day individuals are subjected to countless forms of violations of their security. Entire impoverished communities have been deprived of their right to participate in the decisions about their own security; in some areas, citizens are exposed to violence both from criminals and from police allegedly combating crime; developments in the regional and international levels as well as in the local and national levels have been disparate and unsatisfactory. By discussing those topics and others, the articles in the dossier exemplify both the challenges and the opportunities in the field of citizen security and human rights.

The non-thematic articles published in this issue, some of which also touch upon the issue of security, albeit more tangentially, provide insightful analyses of other pressing matters relating to the field of human rights: violence against women, forced disappearances, genocide, the right to self-determination, and migrations.

Thematic dossier: Citizen Security and Human Rights

Security and human rights hold an intrinsic – and problematic – relationship in regions with high rates of criminal violence. In these contexts, lack of security can be both a consequence and a pretext for human rights violations, as human rights can be presented as impediments to effective policies against crime. It is precisely to conciliate the agendas of security and human rights, particularly in Latin America, that the concept of citizen security has emerged.

Citizen security places the person (rather than the state or a political regime) as the main focus of policies directed at preventing and controlling crime and violence. In Latin America, such paradigm shift took place in the last few decades, as part of the transition from military dictatorships to democratic regimes. The concept of citizen security seeks to reinforce the idea that security goes hand-in-hand with protecting human rights, and therefore clearly departs from the authoritarian idea of security as protection of the State, common in the times of military dictatorships in Latin America and elsewhere.

In its 2009 "Report on Citizen Security and Human Rights",[2] the Inter-American Commission on Human Rights (IACHR) defines citizen security in the following terms: "The concept of citizen security involves those rights to which all members of a society are entitled, so that they are able to live their daily lives with as little threat as possible to their personal security, their civic rights and their right to the use and enjoyment of their property" (para. 23). Thus, the concept of citizen security used by the IACHR includes the issues of crime and violence and their impact on the enjoyment of personal freedom, specifically property and civil rights.

The report by the IACHR also intends to inform the design and implementation of public policies in this area. In paragraphs 39-49, the Commission highlights the States' obligations regarding citizen security: (i) Taking responsibility for the acts of its agents as well as for ensuring the respect of human rights by third parties; (ii) Adopting legal, political, administrative and cultural measures to prevent the violation of rights linked to citizen security, including reparation mechanisms for the victims; (iii) Investigating human rights violations; (iv) Preventing, punishing, and eradicating violence against women, pursuant to the Convention of Belém do Pará.

In order to fulfill such obligations, the States should adopt public policies in the area of citizen security that incorporate human rights principles and that are comprehensive in their rights' scope; intersectorial; participatory in regards to the population affected; universal, i.e. inclusive without discriminating vulnerable groups; and, finally, intergovernmental, involving different levels of government (para. 52). Even though these guidelines do not serve as a prescription, their focus on the actual impact of security policies on the enjoyment of the rights of individuals, their attention to the multi-sectorial nature and participatory mechanisms of those policies, as well as the obligation of preventing crime and violence by tackling its causes, serve as solid guide for States or for civil society organizations and victims wishing to advocate for security policies that promote human rights.

In other words, the concept of citizen security highlights that security policies must be, at very least, people-oriented, multi-sectorial, comprehen-

1. The Coalition is formed by the following organizations: Center for Legal and Social Studies (CELS) –Argentina, Brazilian Public Security Forum – Brazil, *Instituto Sou da Paz* – Brazil, Center for Development Studies (CED) – Chile, Center for Studies on Citizenship Security (CESC) – Chile, Center for the Study of Law, Justice and Society (Dejusticia) – Colombia, Washington Office on Latin America (WOLA) – United States, Myrna Mack Foundation – Guatemala, Institute for Security and Democracy (INSYDE) – Mexico, Miguel Agustín Pro Juárez Human Rights Center (Prodh Center) – Mexico, Fundar, Center of Analysis and Research – Mexico, *Ciudad Nuestra* – Peru, Legal Defense Institute (IDL) – Peru, Support Network for Justice and Peace – Venezuela. Representatives of the Andean Development Corporation (CAF) and the Open Society Foundations also took part in some of the meetings of the coalition.

2. Inter-American Commission on Human Rights, "Report on Citizen Security and Human Rights", Doc. OEA/Ser.L/V/II. Doc.57, 31 December 2009, available at: http://www.cidh.org/countryrep/Seguridad.eng/CitizenSecurity.Toc.htm. Last Accessed on: May 2012.

sive, context-specific and prevention-oriented,[3] as well as participatory and non-discriminatory. The papers in the present dossier reveal how daunting and necessary this task is.

In **Citizen Security and Transnational Organized Crime in the Americas: Challenges in the Inter-American Arena**, Peru's former interior minister Gino Costa examines some of the main challenges and advances in inter-American efforts to combat organized transnational crime using the concept of citizen security. In **The Current Agenda of Security and Human Rights in Argentina**, researchers from Argentina's Center for Legal and Social Studies (CELS) describe the public security agenda in Argentina within the regional context, analyzing the first year of operations of the country's Ministry of Security and its attempt to implement policies incorporating the concept of citizen security. This same department is the subject of an additional article appearing in this issue. In **Civic Participation, Democratic Security and Conflict between Political Cultures - First Notes on an Experiment in the City of Buenos Aires**, Manuel Tufró examines a pilot program recently implemented by the Argentinian ministry with the aim of expanding public participation in the planning of local public safety policies. In the essay, Tufró analyses the conflicts arising from this attempt to disseminate a practice in line with the ministry's agenda of promoting "democratic security" in places in which mechanisms of participation owing their existence to what he calls a "neighborhood political culture".

In ***The March of Folly* and Drug Policy**, Pedro Abramovay uses Barbara Tuchman's work to examine drug policies that have been implemented since 1912, arguing that they are example of policies that are not in the interest of the community being served by the policymakers who designed them.

Finally, this issue's dossier includes a double interview about the recent implementation of UPPs (Pacifying Police Units) in poor communities of Rio de Janeiro (Brazil) previously dominated by criminal organizations. The interviewees are José Marcelo Zacchi, who helped design and implement a government program to expand social and urban services in the areas served by the UPPs, and Rafael Dias, a researcher at human rights NGO Justiça Global.

Non-thematic articles

This issue includes five additional articles relating to important human rights issues.

In **Extraordinary Renditions in the Fight against Terrorism – Forced Disappearances?**, Patrício Galella and Carlos Espósito argue that the practice of kidnappings, detentions and transfers of presumed terrorists by United States officials to secret prisons in third-party States where they are presumably tortured – euphemistically called "extraordinary renditions" – guard similarities with the forced disappearance of persons. The distinction is important because it means that perpetrators of forced disappearances may be prosecuted as having committed crimes against humanity.

Also dealing with crimes against humanity is an article by Bridget Conley-Zilkic in which she examines the field of genocide prevention and response as it furthers its professional development. In her essay, titled **A Challenge to Those Working in the Field of Genocide Prevention and Response** she explores some of the conceptual and practical challenges facing this field, such as how to define genocide, what can organizations do to prevent it, who are the subjects of these organizations' work, and how to measure success.

Another article, **The ACHPR in the Case of Southern Cameroons**, critically analyses decisions by the African Commission on Human and People's Rights concerning the right of self-determination. In it, Simon M. Weldehaimanot proposes that the case of Southern Cameroons has ignored previous jurisprudence and made this right unavailable for "peoples".

Also touching upon challenges to the sovereignty of nation-states is **The Role of the Universalization of Human Rights and Migration in the Formation of a New Global Governance**, in which André Luiz Siciliano reviews the literature on migration to propose that it is an issue which is still mired in anachronistic Westphalian notions that impede the broad and effective protection of fundamental human rights, as opposed to recent concepts such as cosmopolitan citizenship and the responsibility to protect.

In our final article, researchers from Brazilian think-tank Cebrap (Centro Brasileiro de Análise e Planejamento) examine challenges to the constitutionality of recent legislation on domestic violence, the so-called Maria da Penha law. In **Law Enforcement at Issue: Constitutionality of the Maria da Penha Law in Brazilian Courts**, the authors show that most judicial opinions favor positive discrimination of women in order to combat a scenario of chronic inequality. In a context of historical and ongoing oppression of women by men, they argue, treating men who commit domestic violence against women more stringently than women does not hurt the over-arching principle of non-discrimination.

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3. See the report developed by the United Nations Development Programme (UNDP) in partnership with the Inter-American Institute of Human Rights (Costa Rica), available at: http://www.iidh.ed.cr/multic/default_12.aspx?contenidoid=ea75e2b1-9265-4296-9d8c-3391de83fb42. Last accessed on: May 2012.

GINO COSTA

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ABSTRACT

The Western Hemisphere, particularly the countries in Latin America and the Caribbean, are faced with a serious security problem, which is the primary concern of citizens in the region. There are a range of important factors that contribute to this problem, such as those caused by drug trafficking, drug consumption and debilitated security and judicial institutions. However, within limited times and spaces, there have been positive institutional developments at the national and inter-American (international) levels that are not insignificant. It will be critical to build on these advances in order to overcome these challenges.

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KEYWORDS

Citizen Security – Transnational organized crime – Homicides – Victimization – The Perception of Insecurity – Confidence in the police – Penitentiary system – Organization of American States

CITIZEN SECURITY AND TRANSNATIONAL ORGANIZED CRIME IN THE AMERICAS: CURRENT SITUATION AND CHALLENGES IN THE INTER-AMERICAN ARENA*

Gino Costa**

1 Executive Summary

Insecurity and crime are now considered the main problem facing Latin American countries. This perception is substantiated by the high homicide rates in the hemisphere, second only to the ones in Africa. (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2011, p. 19-21) Drug trafficking is the main factor associated with high murder rates; another factor is the extensive use of firearms. Public opinion surveys also show high levels of perceived insecurity and victimization, particularly in terms of crimes against property.

This situation is partially explained by institutional weaknesses, which are expressed in the extremely high rates of distrust of police forces and judicial institutions, and the failure of the populist penal policies implemented in recent years. The continuation of human rights violations, the chronic neglect of prison systems, the privatization of security services, and the recurring use of the Army for citizen security work also are reasons for concern.

However, there have been some positive institutional developments, albeit limited, which can serve as a foundation for a response to this situation. Developments worth highlighting include police reform and modernization, the implementation of comprehensive public policies, increasing municipal involvement, and reforms of the criminal justice system.

The inter-American system has been strengthened in the past 25 years to favor

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**The author is grateful for the valuable contributions of Carlos Romero in the drafting of this article.

Notes to this text start on page 148.

cooperation in the fight against transnational organized crime. The current challenge is to strengthen national capacities through inter-American cooperation to reverse the negative trend. Doing so will require, among other things, an inter-American action plan for citizen security with an adequate tracking mechanism; strengthening and consolidating the Hemispheric Security Observatory;[1] creating an annual course on Security Management for senior personnel; and establishing a permanent special rapporteur for citizen security at the Inter-American Commission on Human Rights.

Meanwhile, the Member States of the Organization of American States (OAS) should design and implement comprehensive, long-term policies to prevent of all kinds of insecurity, violence, and crime. Moreover, they should support the application of the law, rehabilitation and social reintegration, attention to victims, and institutional strengthening. Finally, Member States should equip themselves with security observatories that provide high-quality information and analysis to better understand the problems of citizen security and transnational organized crime; and strengthen inter-American cooperation.

2 Citizen insecurity and transnational organized crime in America

The serious issues of crime, violence and insecurity in the hemisphere have become more evident since 2008 and were identified as the most important problems in Latin America. Before then, citizens' primary concern was unemployment. In 2010, two thirds of the countries in Latin America rated crime as their primary problem (CORPORACIÓN LATINOBARÓMETRO, 2010). This demonstrates the magnitude of the challenges found in the security arena and places it high on the regional agenda. However, as will be shown later, poor security is not the direct result of a sudden increase in violence and crime. Rather, it is the result of a sustained accumulation of serious, unresolved problems. It is also associated with a decrease in the relative importance of other concerns - such as unemployment, the economy, and poverty-, whose indicators have significantly improved in recent years (COSTA, 2011, p. 33).

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This perception is supported by available data on homicides in the hemisphere. In 2010, the Americas as a continent had the second highest number of homicides in the world (144,000) compared to Africa (170,000), Asia (128,000), Europe (25,000) and Oceania (1,200). If population is taken into account, the Americas still stand in second place, with 15.6 murders for every 100,000 inhabitants, compared to 17.4 in Africa and a world average of 6.9 (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2011, p. 19-21). This hemispheric average hides significant differences among subregions. For example, the countries in North America and the Southern Cone have rates that are lower than the global average, whereas Central America and the Caribbean have rates that are several times higher. These aggregate figures also obscure the differences between countries in the same subregion. The differences within countries are also important and generally show that homicides are concentrated in certain cities, municipalities, and towns.

Most of the murder victims in the Americas are men (90%), which is higher than the global figure (82%) (UNITED NATIONS OFFICE ON DRUGS AND CRIME,

2011, p. 63-64). Young men are especially vulnerable. For example, in Latin America, the murder rate for boys, girls, and young adults between the ages of 15 and 29 is more than double the regional average. Middle-income and low-income youth are even more vulnerable with a homicide rate four times that of high-income youth (COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS, 2009, p. 10). In some countries, homicides impact some racial groups much more than others.

According to the United Nations Office on Drugs and Crime (UNODC) (2011), murders are primarily associated with four factors. First, they are correlated with levels of human development, including economic growth, and inequality. Countries with high levels of development tend to have lower homicide rates, and vice versa. Latin America is a paradox, because it has relatively high human development indices; its high murder rates are better explained by the persistence of high levels of income inequality and the activities of organized crime. Second, countries with a strong rule of law tend to have lower homicide rates, and vice versa. Instead, several countries in the Caribbean, Central America, and South America have recently experienced a rapid increase in homicides at the same time that their rule of law indices dropped. Third, the availability of firearms is a particularly serious problem in the hemisphere, as indicated by the high percentage of murders carried out with firearms (74%) compared to the global average (42%). This indicator is high in all subregions. Lastly, illegal drug trafficking and other forms of transnational organized crime play a major role in violence. The actions of organized crime, however, do not always translate into violence. Those involved would like to be able to continue their illicit actions without resorting to violence, but they frequently utilize it to manage disputes between organizations over the control of illegal routes and markets, to discipline their own members, and to respond to actions taken by public agents who are trying to suppress their activities. There are five times more murders associated with the activities of organized crime in the Americas than in Asia, and ten times more than in Europe, indicating the importance of this phenomenon in the context of homicides in the hemisphere.

A recent World Bank study on violence in seven Central American countries identifies three primary causes: drug trafficking, youth violence, and the availability of firearms (BANCO MUNDIAL, 2011, p. 11-23). Of those, drug trafficking ranks are the highest quantitatively. A ranking of the 50 world cities with the highest murder rates supports the argument that drug trafficking is the most important cause of crime and violence. In 2010, 35 of these 50 cities were in Latin America and most of these were located along the primary drug routes that lead to the North American market (SEGURIDAD, JUSTICIA Y PAZ, 2011, p. 3-4).

Homicides linked to drug trafficking are, in turn, associated with four phenomena: a) confrontations between drug cartels, the military and police; b) power struggles within the cartels, which are fueled by arrests, extraditions, and deaths; c) confrontations between cartels to secure control over drug routes or consumer markets; and d) intimidation of officials or private citizens who do not give in to them.

Of the risk factors for violence analyzed by the United Nations Development Program (UNDP) in seven Central American countries, the one most correlated with homicide is the number of legal or illegal firearms in the hands of civilians. Indeed, the countries in the northern triangle have many more firearms per person

than those of the southern triangle, as well as higher murder rates. The former also score lower on basic social indicators (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2009-2010, p. 153-ss).

Another World Bank study (WORLD BANK, 2011) based on in-depth research conducted in violent communities in five developing countries concludes that the different forms of violence are more interrelated than frequently believed. In violent communities, the responses to crime are mostly undertaken by individuals and result in negative repercussions for social capital because these responses include, on one hand, silence and resignation, and on the other, the decision to arm oneself or depend on illegal groups. Deficiencies in urban infrastructure—a lack of public meeting spaces, narrow and dark streets, and limited services—also affect patterns of violence. Although the literature is inconclusive when it comes to the relationship between unemployment and violence, it is a widely held belief among the public that unemployment—and especially youth unemployment—drives up violence.

■■■

Between 1995 and 2010, Latinobarómetro measured Latin American households' experiences with victimization using the question "Have you or any of your relatives been assaulted, attacked, or a victim of violence in the past twelve months?". The positive response rate increased from 29% in 1995 to 43% in 2001, and then fell to 32% in 2006. Since 2007, it has gone up and down slightly, twice, and reached 31% in 2010. A comparison of the three five-year periods (1995-1998, 2001-2005 and 2006-2010) shows that the figure was stable during the first two periods (37% and 38%) and then dropped during the third (34%) (CORPORACIÓN LATINOBARÓMETRO, 2010). In contrast to homicides, which went up during the last decade, victimization went down, a trend that is probably related to economic growth in the hemisphere and to decreases in unemployment, poverty, and, in some countries (albeit slightly), inequality. Nevertheless, this victimization rate is high in comparison with the average of 16% found in the 2004-2005 International Crime and Victimization Survey (Enicriv/Enicris), which was carried out in 30 developed countries in North America, Western Europe, and Japan. For example, the rates in North America are between 17% and 18%.

With the exception of North America, victimization rates are very similar across the American subregions, a pattern different from that of homicides, where rates are much lower in the Southern Cone. There are also important differences between countries.

The most recent Barómetro de las Américas survey, carried out in countries in Latin America, the Caribbean, and North America, provides valuable information on the victims of crime, particularly for crimes against property. Men are much more likely than women to be the victims of such crimes. People with a university education are twice as likely to be crime victims as those with elementary or no education. Victimization rates increase in line with levels of wealth; for instance, the rate at the lowest level is 17% whereas at the highest levels it is 24%. However, in absolute terms, the majority of victims are found in the lowest social strata. Those who live in large urban centers are more vulnerable than those who live in medium-sized or small cities, or in rural areas; approximately 25% of the inhabitants of large cities were victims of crime, compared to 14% of those who lived in small cities or rural areas (SELIGSON; SMITH, 2010, p. 68-69).

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Confidence in police in Latin American is also relatively low. According to Latinobarómetro, confidence in police forces in Latin America has increased somewhat in recent years, from 32% between 1996 and 2000, to 36% between 2006 and 2010. This could be related to the slight drop in victimization rates, particularly after 2004, and to the increased professionalism of the police forces in some countries. Still, about two thirds of the Latin American population has little to no confidence in the police. To get a sense of how much still needs to be done to strengthen the police, in Europe confidence levels provide a telling comparison: there, levels of confidence in the police stand at about 65% (DAMMERT; ALDA; RUZ, 2008, p. 33).

The 2011-2012 World Economic Forum ranking (WORLD ECONOMIC FORUM, 2011, p. 405) backs up these results, putting most of the Latin American and Caribbean police forces in the bottom quarter of the table. Only one Latin American country is found in the top quarter, together with the countries of North America.

According to Latinobarómetro 2010, the main problem facing the police is corruption (31%); other problems cited include lack of personnel (22%), inadequate training (17%), scarcity of resources (13%), limited cooperation from the public (8%) and outdated equipment (6%). Despite this distrust, Latin Americans believe that the best answer to insecurity is to have more police on the streets.

Confidence in Latin American judicial systems is even lower, scoring on average 31% in the past fifteen years. In Europe, confidence in the judiciary is up at almost 50% (DAMMERT; ALDA; RUZ, 2008, p. 33).

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In 2010, Barómetro de las Américas assessed perceptions of insecurity in 26 countries in the Americas using the following question: "In the place where you live, thinking about the possibility that you might be the victim of an assault or robbery, do you feel very safe, somewhat safe, somewhat unsafe, or very unsafe?" The index counts those who said they felt somewhat or very unsafe. The aggregate result for Latin America was 43%, a high figure compared to 23% for North America. The countries in this subregion have the lowest levels of perceived insecurity, followed by most of the countries in the Caribbean (SELIGSON; SMITH, 2010, p. 60-61). The differences between subregions and countries in Latin America are not insignificant.

There seems to be a correlation between perceived insecurity and victimization: the former expresses the feeling of vulnerability to crimes against property, which are in turn measured in terms of victimization rates. This is substantiated by the fact that the most victimized countries are the ones with the highest levels of fear, and vice versa. Meanwhile, there does not seem to be such a close relationship between perceived insecurity and homicides. Low levels of confidence also affect perceived insecurity in security and justice organizations, particularly the police. Indeed, if confidence in their capacities for prevention and investigation is low, the feeling of danger is high. To the extent that fear depends both on victimization and confidence in institutions, it will vary in line with both indicators (COSTA, 2011, p. 34).

Despite major differences between sub-regions and countries, considering all of the main security indicators results in a picture of the hemisphere that is generally characterized by high homicide rates, high victimization rates, and high perceptions of

insecurity, on the one hand, and by low confidence in security and justice institutions on the other (COSTA, 2011, p. 32-34). Reversing the negative indicators will only be possible with more efficient institutions that can gain the trust of the public and achieving this goal will require a persistent effort to professionalize, modernize, and democratize these institutions.

3 The impact of citizen insecurity and transnational organized crime

Insecurity and organized crime are problems with multiple dimensions and implications for the economic, political, public health, and human rights arenas.

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It is an economic problem because they require States, companies, and families to increase their spending on security. The economic costs of insecurity are multi-faceted. First, there are the institutional costs: what States spend on the institutions responsible for security and justice. Second, there are the investments that companies and families make in private security services. Third, there are the material costs, including the loss of assets. Fourth, there are the resources that the health system uses to attend to the victims, as well as losses associated with emotional harm and to what is not produced as a result of death or temporary or permanent disability. Fifth and more difficult to estimate, though no less important, there is an effect on productive investments resulting from a shake-up in the calculations that shape opportunities and incentives for businesses to invest, create jobs, and expand operations (BANCO MUNDIAL, 2011, p. 4-9).

There are numerous estimates of the economic cost of violence and crime. The Inter-American Development Bank estimates that it is as high as 5% of the gross domestic product of Latin America and this percentage varies by country with some reaching 15% (BANCO INTERAMERICANO DE DESARROLLO, 2009, p. 6). The regional average for Central America is 8%, which includes institutional, private, material, and health costs. The percentages fluctuate between 11% and 4%. Health-related costs, especially the "intangible" ones related to emotional damage and lost production, make up more than half of the total costs (BANCO MUNDIAL, 2011, p. 6-7).

Other studies show how violence and crime affect economic growth, investment, and productivity. A 10% drop in the murder rate can increase annual per capita income by as much as 1% in some countries (BANCO MUNDIAL, 2011, p. 9). A significant drop in high murder rates could increase per capita economic growth in some Caribbean countries by more than 5% per year, while significant advances in the fight against impunity and violence in Latin American countries could increase per capita investment by 3% per year (BANCO INTERAMERICANO DE DESARROLLO, 2009, p. 6). The World Bank (2011, p. 8) also found that crime is one of the five main factors limiting productivity and growth in most Central American countries, and they consider addressing crime to be one of the top three priorities to increase productivity.

Insecurity also hinders economic competitiveness. The World Economic Forum's 2011-2012 Global Competitiveness Report (WORLD ECONOMIC

FORUM, 2011, p. 402-405) ranks countries using various indicators, including the costs imposed on private companies by crime and violence, organized crime, and terrorism. None of the countries in the hemisphere are included in those where businesses can invest relatively small amounts to protect themselves from crime and violence. Rather, most countries are ranked among those with the highest expenditures and, of the ten lowest-ranked countries in the world, six are in Latin America and three are in the Caribbean. The costs imposed on businesses by organized crime follow a similar trend. In fact, only one Latin American country is on the list of those who spend the least to protect themselves from organized crime; most are ranked in the quartile with the highest expenditure and of the ten lowest-ranked countries in the world, seven are in Latin America and two are in the Caribbean.

A 2004 study of multinational companies conducted by the Council of the Americas found that security expenditures as a proportion of total expenditures were 3% in Asia and 7% in Latin America (BANCO INTERAMERICANO DE DESARROLLO, 2009, p. 5). According to the 2006 Enterprise Survey, company expenditures on security in Latin America and the Caribbean are as high as 2.8% of total sales; in Central America, the figure is 3.7% (BANCO MUNDIAL, 2011, p. 5). The World Bank (2011, p. 8) believes that a 1% increase in corporate losses due to violence could reduce productivity by 5% to 10%.

Just as costs for States and businesses increase as a result of violence and crime, families and individuals are similarly affected. In addition, they incur direct property losses and expenses as a result of physical damages and some of their resources must go towards protecting themselves and their assets, which limits the resources available for satisfying other basic needs (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2006, p. 52). Insecurity also affects interpersonal relationships, because it takes a toll on trust and on people's ability to relate to each other and work together. This is what economists call social capital. In general, high rates of victimization in Latin American countries lead to greater interpersonal distrust (DAMMERT; ALDA; RUZ, 2008, p. 32). The damage to social infrastructure is even more serious in the poorest communities, because violence reduces opportunities and perpetuates income inequality.

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Insecurity and organized crime also contribute to a drop in public confidence in democratic political systems.

Perceived vulnerability to violent acts and theft undermines values that are essential for democratic life, especially tolerance for differences and adherence to human rights. Among other things, it contributes to the adoption of highly repressive criminal justice systems that are detrimental to individuals' rights; to demands placed on the authorities to get results at any cost, even if it means restricting rights; increasing police powers; and even violating human rights. It also results in public pressure to imprison as many offenders as possible, the stigmatization of minorities, support for policies that reduce or stop immigration and even the acceptance of inhumane punishments like lynching and the death penalty (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2006, p. 53-54).

In 2010, Barómetro de las Américas assessed public support for rule of law using the following question: "To stop criminals, do you think the authorities should always respect the law, or can they occasionally act outside the law?" It is worrisome that a third of the survey respondents (39%) believe that it is acceptable to violate the law in order to make arrests. In the same survey, victims expressed less support for the rule of law (52%) than those who had not been victims (63%) (SELIGSON; SMITH, 2010, p. 81-86).

Insecurity also erodes confidence in democratic institutions, particularly those responsible for security and justice, although it often goes further and can even affect public loyalty to the democratic system (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2006, p. 53). That is backed up by the 2010 Barómetro de las Américas, which reports that the citizens who are most victimized and who feel most unsafe express less support for the democratic political system than those who have not been victimized or who do not feel as unsafe. Indeed, 49.5% of those who had been victims expressed support for democratic institutions, compared to 54.1% of others. At the same time, 57% of those who feel their neighborhoods are very safe expressed support, compared to 48% of those who feel very unsafe (SELIGSON; SMITH, 2010, p. 78-81).

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The high violence and crime rates in the hemisphere themselves constitute a serious human rights problem, not because these acts are necessarily committed by public officials, but because the State has failed to fulfill its responsibility to guarantee that all citizens can exercise and enjoy their rights and freedoms. It is, therefore, an indirect responsibility of the State. There are also many instances of direct responsibility; for instance, the excessive and disproportionate use of force, police brutality, and inhumane prison conditions.

Successful public policies regarding citizen security will reduce the levels of insecurity and organized crime. However, when these rates are very high—as in some countries and some cities in the Americas—States must assume responsibility, taking ownership over the problem and adopting corrective measures that enable them to succeed where they have failed. This is a task that arises from various international commitments to guarantee human rights.

The most serious rights violations are those against life and personal integrity. When violent acts do not take the victim's life, they often cause physical and psychological damage and sometimes sexual harm. The right to freedom is also violated, particularly in the context of kidnappings, including the traditional "express" kidnappings used for extortion. Because of their severity, the impacts limit the victim's chances of having a long and healthy life. The right to the peaceful enjoyment of property is also extensively violated, as evidenced by the high rates of property crime.

After crimes occur, it is up to public authorities to investigate them, identify and punish those responsible, and guarantee assistance and protection to the victims. When such State intervention is absent—as happens too frequently in our hemisphere—it constitutes a serious breach of duty as crimes go unpunished and the victims' rights and particularly the right to justice are violated.

When these fundamental rights are affected, an atmosphere of fear also emerges, which impacts other human rights. Insecurity can change people's behavior to the point

that they accept fear as a daily norm. In turn, this restricts the exercise of individual rights and freedoms and limits people's actions and opportunities in multiple arenas (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2006, p. 52-53).

Among the most critical restrictions are those placed on movement, enjoyment of property, and recreation. All of us need to move from place to place to satisfy our basic needs. The ability to do so is necessary to enjoy all other rights. It is therefore of central importance. Enjoyment of property constitutes a basic right, and is a precondition to exercising other rights that require material support. One's home is particularly important, because it represents a private space where people can display their affection towards their loved ones in a safe and dignified manner. Freedom of recreation includes the basic human need to enjoy life and engage in leisure activities that bring pleasure. Converting this into reality requires safe and freely accessible public spaces (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2006, p. 361-362).

4 Policies to address citizen insecurity and transnational organized crime in the Americas

Insecurity and organized crime affect the countries of the hemisphere to different degrees. Security policies and their depth and degrees of success also vary significantly. However, it is possible to identify some institutional developments—both positive and negative—that are common across the hemisphere. The positive ones include police reform and modernization, the development of comprehensive public policies, the increasing involvement of municipal governments, and reforms to the criminal justice system. The most notable negative developments include penal populism, which is associated with the crisis in the prison system and sometimes to the use of the armed forces for tasks related to citizen security; persistent institutional weakness and corruption; the privatization of security services; and ongoing human rights violations.

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The following are some common elements in the police reform and modernization processes undertaken in the hemisphere:

First, there is an affirmation of civilian control over the police. Civilians lead almost all of the ministries or secretariats in charge of security today (FACULTAD LATINOAMERICANA DE CIENCIAS SOCIALES, 2007, p. 72-ss). However, much is lacking to enable these institutions to have solid professional teams that can ensure policy continuity, coordinate actions with other institutions, and exercise effective leadership, supervision, and control of the police. High levels of political volatility, a lack of qualified civil servants, and the continued survival of police forces that operate with significant autonomy and influence hinder full consolidation of civilian control over the police.

Second, is the police are decentralized. There are increasing efforts to give police organizations a more local focus so they can better understand that problems of insecurity and crime manifest themselves differently in different places and result from a range of social, demographic, economic and cultural factors. In contrast to militarized police forces that are centralized and organized vertically, this new kind of organization is more flexible in its decision making and has closer ties to other

public institutions, including municipal governments and communities. Police decentralization processes are often accompanied by new prevention strategies, such as community and an orientation towards problem solving approaches (RICO; CHINCHILLA, 2006, p. 123-201).

Third, new prevention models view the citizen as the object of protection, foster public participation and require the police to be more transparent. The public thereby becomes the main source of information for the police, and often organizes to collaborate with and even monitor them.

Fourth, institutional management systems are modernizing to include strategic planning, budgeting for results, and accountability to the public. To make this possible, criminal information systems have also been enhanced, along with training and specialization of personnel; the latter has benefited from the opening of police education systems to civilian candidates and increased enrollment of police officers in university training centers. Still, serious management deficiencies persist and many of the police forces lag behind in their technological capacities.

Fifth, mechanisms to confront police brutality and corruption have been strengthened, although not without difficulty. These mechanisms include purging bad elements and internal and external controls over police work. Freedom of the press has enabled the media to play an increasingly important monitoring function. The same can be said of the legislative and judicial powers and of human rights organizations, which have been expanding rapidly throughout the hemisphere.

Sixth, police working conditions have improved. There is increasing awareness that it is impossible to have an effective police force if they are not given high-quality, modern training, opportunities for personal, professional, and family development, the basic tools needed to do their job well and fair treatment. If we expect the police to respect citizens' rights, we must pay attention to their own rights.

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The transformation of citizen security was initially limited to changes within police forces, yet subsequent efforts have included additional components. One these is the still-nascent development of comprehensive public policies on citizen security, which not only involved controlling and punishing crimes, but also a focus on prevention, rehabilitation, social reintegration, and attention to victims. To be successful, policies should have strategies and plans with clear goals, which assign institutional responsibilities and budgetary resources and include have process and result indicators that facilitate their evaluation.

Whereas security policies previously considered the police to be the only relevant actor, there is now an increasingly comprehensive vision of the efforts required to address a complex problem with multiple causes. This requires the involvement of other institutions, from those in the criminal justice system to those that play an important role in prevention. The multiplicity of actors has also necessitated the design of systems that involve actors at different levels of government, sometimes using national or federal funding for local initiatives.

The growing professionalization of security policies has necessitated the development of increasingly sophisticated information systems that facilitate improved design of interventions as well as self-assessment.

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With different degrees of intensity throughout the hemisphere, local governments are increasingly involved in security policies, particularly prevention initiatives. This arises from the increased legitimacy placed on local security efforts, which give an important role to municipalities responsible for a set of policies that directly impact insecurity and crime, such as youth policies, sports, recreation and culture, and employment and job training. Many municipalities also play an active role in the prevention of domestic and gender-based violence and drug use, the rehabilitation and reintegration of young gang members, the care and protection of vulnerable groups, conflict resolution, the promotion of civic culture, urban renewal and the recovery of public spaces, and even neighborhood watch organizations. Furthermore, municipalities with more resources can help equip and train security and justice organizations and process and analyze information about crime. Finally, the municipal authorities are best placed to coordinate the efforts of the police and other institutions acting within their jurisdiction.

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Criminal procedure reform represents the most important change in the Latin American judicial system in recent decades as it entails redefining the role of the police so that they are clearly subordinate to the public prosecutor in the execution of criminal investigations. Even more important, it involves a new procedural model where the court is both accuser and guarantor: a model that favors speed, immediacy, oral arguments, and transparency and replaces the old model of inquisition, formalism, and written arguments. Although the consequences of the new model on citizen security have not been fully evaluated, the transition appears to be an irreversible process, at least in the places where it is being implemented.

Other changes in the judicial system are related to the development of alternative dispute resolution mechanisms and the strengthening of systems that uses punishments other than imprisonment, such as community service. Many Latin American criminal codes allow for these kinds of punishment, but they are not always applied because of a lack of organized systems that allow them to occur. A new paradigm known as "restorative juvenile justice" has emerged in recent years for dealing with adolescent offenders; this is particularly relevant given the increasing problem of juvenile crime and to display the commitment to seeking solutions outside the prison system, which could eventually become an example for dealing with adult offenders as well.

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In the context of persistently weak civilian management of security policies and police forces with high levels of institutional autonomy--both of which help explain the limited progress made with the aforementioned developments--the following negative trends emerge:

Penal populism is primarily a tough and emotive discourse against crime, which is reflected in legislative initiatives aimed at resolving problems with heavier punishment, criminalizing certain behaviors, reducing in the minimum age for criminal responsibility, increasing police budgets, and increasing prison populations (DAMMERT; SALAZAR, 2009, p. 28). It is frequently accompanied by measures that aim to expand the powers of the police and the military at the expense of individual freedoms and guarantees.

The populist discourse has great political weight and pays off in elections because it speaks to people's anxieties and worries, especially those of victims and those related to particularly despicable violent acts. It also creates an illusion of a quick, definitive solution. It is characterized by portraying victims, who are not always well informed, as protagonists in security decisions and almost exclusively ignoring the views of experts (DAMMERT; SALAZAR, 2009, p. 20). Victims tend to demand measures that are not necessarily the most effective; for example, ones that, instead of resolving the problem, could actually exacerbate it.

Given that penal populism views punishment to be the primary goal of security policies, it is normally accompanied by disdain for efforts at preventing violence and crime and rehabilitating and reintegrating offenders, as well as by the indefinite postponement of police, judicial, and prison reforms. They also disregard the impacts of their initiatives on the prison system as a whole.

Prison systems in the Americas vary greatly, although they are all oriented towards punishment rather than rehabilitation and social integration. In general, they are characterized by poor conditions, high rates of illegal drug use among inmates, inadequate prisoner classification policies, and incidents of violence. If we also factor in the instability and corruption of the prison services, we find a dangerous situation of mismanagement that enables the free exercise of criminal activities and even the creation of large criminal organizations within prison. There are many prisons in the hemisphere where order is maintained through a precarious balance between prison authorities and inmates. These problems have been aggravated by the increase in the number of inmates, overcrowding in the prisons, and, in some cases, by an increase in the number of unsentenced prisoners (ORGANIZACIÓN DE ESTADOS AMERICANOS, 2011, p. 118-122).

All of the subregions in the hemisphere saw a significant increase in their prison populations in recent years, both in absolute terms and as a proportion of their total population. In 2009, the prison population of the hemisphere reached almost 3,500,000; excluding Mexico, 66.7% were in North America, 32.8% were in Latin America, and 0.6% were in the Caribbean.[2] The countries with the highest number of prisoners per 100,000 inhabitants are found in North America and the Caribbean (ORGANIZACIÓN DE ESTADOS AMERICANOS, 2011, p. 123-138). However, the subregion with the greatest overcrowding problem in prisons is Latin America (56%) (DAMMERT; ZUÑIGA, 2008, p. 49-50).

Populist policies on crime frequently go hand-in-hand with the deployment of the armed forces for citizen security tasks. This is a widespread phenomenon in the region. To some degree, it is a legacy of military regimes and internal armed conflicts, which blurred the lines between national defense and citizen security, and between the military and the police. Today, the armed forces are still active in the context of internal armed conflicts, but they have also become involved in the fight against drug trafficking and other crises that threaten public order.

Democratic constitutional doctrine makes a distinction between the role of the military in national defense and that of the police in citizen security, explicitly stating that the armed forces can only be used for citizen security in exceptional circumstances, temporarily, and under strict parliamentary and judicial control. The

exceptional nature of this recourse to the armed forces stems from the fact that the mission, training, doctrine, organization, and equipment of the military are very different from those of the police. While the military exists for wars, the police are responsible for protecting and guaranteeing citizen rights and freedoms by preventing and investigating criminal acts.

Using the military to do police work is very risky because their intervention can involve serious human rights violations.[3] For example, the military have their own courts, which often cover up violations instead of investigating and punishing them, thus undermining the foundation of a democratic State (HUMAN RIGHTS WATCH, 2009). Nevertheless, there are some situations where criminal groups acquire such firepower and territorial control that the police alone--whether due to their weakness or criminal infiltration--are unable to stop them. In these cases, military interventions must be rare, bounded, and temporary; they must also be subject to broad civil, judicial, and legislative control and come with a quick exit strategy that guarantees that the armed forces will be replaced by the police and others in the public system, such as judicial, educational, and health services.

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Another negative trend is the persistent weakness of institutions within the criminal justice system, despite the aforementioned efforts to reform the police and judicial system. Nevertheless, such weakness is not unique to these institutions. Poor economic and social conditions affecting children and youth are at the root of many of the problems with violence. A State that is absent, especially in the social arena, hinders the resolution of these problems and their causes. The State's inability to generate effective social policies—from universal policies that promote social cohesion and guarantee access to health, education, and work, to polices targeted at particularly vulnerable and at-risk populations—is another manifestation of the same problem. This is compounded by the failure of the State to adequately budget for social services and other forms of prevention.

Just as an increase in the number of prisoners has not significantly reduced violence or crime, increases in the budgets for security and justice institutions have also failed to achieve this result (CARRIÓN, 2009, p. 21-22). A budget increase alone does not improve institutional performance, unless it is part of a strategy that includes new organizational models, improved resource management, increased transparency, accountability, and public participation, as well as open combat against corruption and abuse. In the absence of such a strategy, budget increases can feed the administrative corruption associated with the mismanagement of public resources, which is one of three kinds of corruption that, together with operational and police corruption, affects these institutions. Any kind of corruption negatively affects measures of citizen security because it contributes to an increase in criminal activity and in perceptions of insecurity by weakening, undermining, neutralizing or penetrating security institutions.

According to the 2010 Global Corruption Barometer (TRANSPARENCY INTERNATIONAL, 2010, p. 7), the percentage of Latin Americans who acknowledged having paid a bribe in the previous year to the judiciary or the police was 23% and 19%, respectively, whereas in North America the percentages were 6% and 4%.

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There has been a rapid increase in the number of private security companies in the hemisphere in recent years, a trend that has paralleled the deterioration of citizen security in the context of persistent institutional weakness. This is a global phenomenon that is not limited to this hemisphere. In many countries, the number of private security guards exceeds the number of police officers. For example, in Central America the ratio is almost three to one. This trend is not problematic in and of itself, nor should it pose a challenge to the State monopoly on the use of force insofar as private security guards carry out their functions in the private sphere. However, these guards do require regulation and supervision, which has not kept pace with their rapid growth. This is compounded by the involvement of retired military personnel and police officers who sometimes use their influence to evade the few controls that do exist. This is particularly worrisome in countries where not long ago, human rights were systematically violated on a massive scale (PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO, 2009-2010, p. 240).

While private security guards need not compete with or substitute public security service, people often turn to them to fill the gaps and shortcomings of the public service. In those situations, the poorest social sectors lose out because they have fewer resources with which to obtain the minimal security conditions that the State cannot provide. Therefore, it is essential that governments guarantee adequate, equitable, and universal public security services.

There are four problems associated with private security operations that require special attention. First, when extractive industries have sensitive operations in zones with a weak State presence, they can end up fulfilling police functions and abusing their power.[4] Second, firearms that are diverted from private security guards can fall into the hands of criminals. Third, there is the possibility of espionage through the interception of communications by companies that analyze strategic information or provide electronic security. Fourth, some of these companies employ active police officers.

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The fourth negative trend—employing active police officers—is the violation of human rights by State agents in the context of citizen security. These violations are a legacy of the authoritarian past and the result of penal populism and institutional weakness. While they take many forms, extrajudicial executions, police brutality, and inhumane prison conditions are three particularly important issues that deserve special attention from governments.

Extrajudicial executions are not only illegal and ethically repugnant, but they are also impractical, because they do not effectively reduce violence or crime. On the contrary, they ultimately contribute to an increase in violence and weaken the legitimacy of public institutions.

Based on data from the 2008 Barómetro de las Américas 2008, a study by José Miguel Cruz (2009) finds that women (2.9%) are less likely to be physically or verbally abused by the police than men (7.2%), and youth are more exposed than adults to abuse because they are the target of most crime-fighting efforts. Indeed, those under age 25 are abused four times more than those over 65. Police misconduct

is also more prevalent in large cities (6.4%) than in rural areas (3.5%). It is four times more likely to affect those who have been the victims of corruption and crime than those who have not and twice as likely to affect people with political leanings, particularly to the left.

The third form taken by persistent human rights violations are the deplorable prison conditions. This has many causes. First, the infrastructure is inadequate and unsafe, which makes it difficult to separate inmates (between those who have been processed or sentenced, primary or repeat offenders, etc.) and impossible to exercise authority. Second, there are high rates of drug use and drug trafficking and extortion networks often involve prison staff. Third, there is disorder, violence, and criminal organizations that operate from within the prisons. Fourth, prison personnel have inadequate working conditions and low salaries. Fifth, insufficient funding and administrative corruption lead to appalling health conditions, food, and nutrition. Sixth, there is a general lack of work and study programs that would be key to efforts at rehabilitation and social reintegration. In sum, these conditions lead to riots and fights with alarming regularity and result in the loss of numerous lives.

5 Inter-American initiatives

Until relatively recently, the security threats, concerns and challenges discussed in the inter-American arena were the traditional ones related to collective security, the defense of States against outside aggression, and internal armed conflicts. Over the past twenty-five years, attention to security issues has broadened to include new and related threats, such as transnational criminal activities that endanger the security of the State and its inhabitants as well as democratic governance and economic and social development. These activities include trafficking illegal drugs, firearms, and persons; terrorism; money laundering; corruption; criminal games; and cybercrime.

The first of these new threats to be addressed under the inter-American system was illegal drug trafficking through the creation of the Inter-American Drug Abuse Control Commission (CICAD) in 1986. The Commission meets twice yearly, and had its fiftieth session in November 2011. It aims to strengthen institutional capacity and channel the collective efforts of Member States in order to reduce the production, trafficking, use and abuse of drugs in the hemisphere in line with international conventions.[5] It also serves as the most important political forum for tackling the issue; in addition, it promotes research, the exchange of information, specialized training, and technical assistance in the development and management of drug-related public policies. It also develops minimum legislative standards and conducts periodic multilateral assessments. The latter may be the most sophisticated tool the Commission has developed to promote inter-American cooperation on this topic, which was established at the Second Summit of the Americas in Santiago, Chile in 1998. Five rounds have already been done, with the last one covering the period from 2007 to 2009 and the sixth round of assessments is currently taking place. The assessments consider institutional frameworks, reductions in supply and demand, and the success of control measures adopted by States.

Corruption was the second new threat addressed through an inter-American convention adopted in 1996, which is the first international legal instrument to address it.[6] The Convention establishes a set of preventive measures, defines crimes of corruption, including transnational bribery and illicit enrichment, and has a series of provisions to strengthen international cooperation in the areas of legal assistance, extradition and identification, tracing, freezing, seizing and confiscating property obtained or derived from acts of corruption, and so on. It is linked to an inter-American cooperation program and to a mechanism created in 2001 to follow up on implementation of the Convention, which is in its fourth round of assessments. The Technical Secretariat of this mechanism offers legal support in various areas, namely standards of conduct, model laws, national action plans, training, and the recovery of assets.

In 1997, another inter-American convention was adopted to control the manufacture and illicit trafficking of firearms, ammunition, and explosives, and to facilitate international cooperation on this issue.[7] The Convention has a consultative committee that aims to guarantee implementation of the convention and promote information exchange, cooperation, and training between countries. The Consultative Committee met for the first time in 2000 and since then, it has continued to meet twice annually. Today, the Organization of American States (OAS) has a marking team and advises countries to help ensure that imported, exported, and confiscated firearms include a serial number, the name and place of manufacture or importation, model, and caliber. All this information makes them easier to trace and link to criminal activities; it also facilitates the identification of arms traffickers and trafficking routes. Moreover, the OAS has a program to manage and destroy stockpiles, which is particularly focused in Central America.

The First Summit of the Americas, which was held in Miami in 1994, resulted in a commitment to prevent, combat, and eliminate terrorism. Following the Summit, two special conferences were held in 1996 and 1998. A plan of action was adopted at the Second Summit of the Americas in 1998 and a year later, the Inter-American Committee Against Terrorism (CICTE) was formed. The Inter-American Convention against Terrorism was adopted less than a year after the tragic events of September 11, 2001.[8] Since then, the Committee has carried out a wide range of technical assistance and institutional strengthening activities. Today, the Committee has ten programs in six areas: policy development and international coordination, border and financial controls, critical infrastructure protection, legislative assistance, and crisis management. The Committee met annually from 2003 to 2010.

In 1999, a Group of Government Experts on Cyber Crime was formed as result of the Second Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA). In total, the Group has since met on six occasions. The Comprehensive Inter-American Cyber Security Strategy, developed by the Group of Experts, CICTE, and the Inter-American Telecommunication Commission (CITEL), was adopted in 2004.

The Third Summit of the Americas was held in Quebec in 2001 to facilitate the implementation of the United Nations Convention against Transnational Organized Crime and its three accompanying protocols, which was approved in 2000. At this Summit, State adopted an Action Plan, which included a commitment to implement

collective strategies to combat new forms of transnational crime, including cybercrime. The Hemispheric Action Plan against Transnational Organized Crime was approved in 2006, and a Technical Group was created to ensure its implementation. This Group held its third meeting in October 2011. In parallel, the national authorities charged with combating human trafficking met twice between 2006 and 2009 and adopted a hemispheric work plan for 2010 to 2012.

Another threat stems from the activities of criminal gangs. A regional strategy to confront this challenge was adopted in 2010, produced by a working group formed one year earlier.

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The policy and institutional changes undertaken by the inter-American system over the last twenty-five years to confront, one-by-one, the new threats to security arising from transnational organized crime, have been accompanied by the adoption of a new conceptual approach, the involvement of new actors, and changes to the structure of the OAS General Secretariat. The Summits of the Americas, which were held in Santiago and Quebec, were instrumental to making these changes, as they promoted reframing the traditional concepts of international security and identifying ways to revitalize and strengthen institutions in anticipation of the Special Conference on Security held in October 2003.

The Declaration on Security in the Americas, which was adopted at the Special Conference, reinforced the idea that the basis and purpose of security is the protection of human beings, and that traditional approaches should be broadened to encompass new threats that have political, economic, social, health, and environmental components. The new threats are multidimensional problems that require multifaceted responses by different national organizations and, in some cases, partnerships between governments, the private sector, and civil society. Many of the threats are transnational in nature and may require hemispheric cooperation. The Declaration also recommended that the Hemispheric Security Commission encourage cooperation among the different bodies of the OAS General Secretariat that have relevant areas of competence. It also suggested the development of strategies and integrated action plans related to the new threats based on the recommendations of CICAD, CICTE, and the CIFTA Consultative Committee.

The 2011 Declaration of San Salvador on Citizen Security in the Americas takes several steps towards the conceptual reframing of security that began in 2003. In effect, it recognizes that crime, violence, and insecurity negatively impact the social, economic and political development of our societies, and violate individual human rights that are central to citizen security. Thus, States should implement long-term policies aimed at prevention, the application of the law, rehabilitation, and social reintegration in order to guarantee a comprehensive approach that emphasizes the causes of crime and attends to the needs of vulnerable groups within a framework that protects and promotes human rights. Given the multi-causal nature of violence, these policies should involve multiple actors, including individuals, all levels of government, civil society, communities, the media, the private sector, and academia. Finally, the Declaration charges the Permanent Council of the OAS in coordination with national authorities and the Secretary General with drafting a hemispheric action plan to follow up on its provisions.

The Report on Citizen Security and Human Rights issued by the Inter-American Commission on Human Rights (IACHR) in 2009 is another important milestone in the conceptual reframing process. Besides reiterating States' negative obligations with regard to security policy, the Commission also recognizes their positive obligation to have comprehensive long-term policies that are focused on the individual, and that effectively protect and promote human rights in the face of crime and violence. This requires that policies place special importance on prevention by addressing their causes.

The development of standards to confront transnational organized crime in the inter-American context has been undertaken at the Meetings of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA), which began in 1997 and had met eight times as of 2010. The OAS Secretariat for Legal Affairs has assisted in this valuable work. REMJA is the most important political and technical forum at the hemispheric level for addressing topics related to international legal cooperation for mutual assistance in criminal matters, extradition, prison policies, cybercrime and forensic science.

Improving policies on citizen security and stepping up the fight against transnational organized crime have become top priorities on the national and hemispheric agendas and their success will require stronger institutional capacities. With this in mind, the inter-American system is building an institutional structure centered on the Meeting of Ministers Responsible for Public Security in the Americas (MISPA). MISPA aims to strengthen dialogue with a view to effective cooperation and technical assistance, and to facilitate the transfer of knowledge and the exchange of promising practices. At the first meeting held in 2008, the Commitment to Public Security in the Americas was adopted and one year later, the Santo Domingo Consensus was adopted. The MISPA's third meeting was held in Trinidad and Tobago in November 2011.

The OAS Secretariat for Multidimensional Security supports MISPA through the Department of Public Security. The Secretariat was created in 2005 to assist the different inter-American bodies involved with security issues. In addition to the Department of Security, it also includes the CICAD and CICTE secretariats and the Department of Defense and Hemispheric Security. While the first three focus on new threats, the latter focuses on traditional ones. The Secretariat also has the Hemispheric Security Observatory (Alertamerica), which is associated with its Executive Office.

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The American Police Community (AMERIPOL) was created in 2007 to promote cooperation between police organizations to confront transnational organized crime in scientific-technical matters, intelligence information, criminal investigation, judicial assistance, and training. It is comprised of twenty-one police forces from twenty countries in the hemisphere, and it has fifteen observer organizations.

6 Conclusions

a) Although there are important differences between subregions and countries, the hemisphere has high rates of homicide, victimization, and perceived insecurity, and low levels of confidence in security and justice institutions. Turning these indicators around will require better public policies, a better understanding of the causes and dynamics of citizen insecurity and transnational organized crime, and institutions that are more professional, modern, and democratic.

b) The available data show that drug trafficking is the main factor associated with high rates of homicidal violence. Another factor is the widespread use of firearms. Both of these merit special attention in public policies.

c) Citizen insecurity and transnational organized crime are problems with multiple dimensions and negative implications for the economy, politics, public health, and human rights.

d) Citizen insecurity and transnational organized crime affect countries in very different ways. At the same time, public policies have differing levels of effectiveness. Positive developments include police reform and modernization, the implementation of comprehensive public policies, increasing municipal involvement, and reforms of the criminal justice system. Negative trends include the high incidence of penal populism, the crisis in the prison system, the use of the armed forces to deal with citizen security tasks, institutional weakness and corruption, the privatization of security services, and the continuation of human rights violations.

e) The inter-American system has been strengthened in the past 25 years to support cooperation to fight against transnational organized crime. This important development must be consolidated because it still has not stopped security from deteriorating in most of the countries in the hemisphere. The current challenge is to strengthen national capacities through inter-American cooperation in order to develop comprehensive, long-term policies that can reverse this negative trend. Doing so will require, among other things, an inter-American action plan for citizen security that includes adequate tracking mechanism, the strengthening and consolidation of the Hemispheric Security Observatory, the creation of an annual course on Security Management for senior personnel and the establishment of a permanent special rapporteur for citizen security at the Inter-American Commission on Human Rights.

7 Recommendations

a) Recommendations for the OAS

- **A Hemispheric Action Plan for Citizen Security.** Approve a Hemispheric Action Plan for Citizen Security that builds on the 2011 Declaration of San Salvador on Citizen Security in the Americas. This will serve as a reference guide for the development of long-term, comprehensive national policies on citizen security. The Action Plan will have objectives and activities that will be implemented over the next five years in the following areas: institutional strengthening; the prevention of insecurity, violence, and crime; application of the law; rehabilitation and social reintegration; attention to victims; and international cooperation. The Plan will be developed in consultation and coordination with the national authorities of the MISPA and the REMJA and will have a monitoring mechanism to facilitate its implementation.

- **Hemispheric Security Observatory.** Broaden and deepen the information provided by the Hemispheric Security Observatory to facilitate a better understanding of the problems and the public policies that could effectively address them. The Observatory should encourage new research and the exchange of experiences related to preventing and combating different forms of insecurity, crime and violence. It should also offer technical assistance to States to create and develop organizations charged with collecting, systematizing, and analyzing country-level information on citizen security and transnational organized crime.
- **Security Management Course for Senior Personnel.** Design and implement an annual course on security management for senior personnel targeted at high-level public officials with relevant responsibilities in order to share experiences and academic research on topics like institutional strengthening, the prevention of all forms of insecurity, crime and violence, the application of the law, rehabilitation and social reintegration, attention to victims, and international cooperation.
- **IACHR Permanent Special Rapporteur for Citizen Security.** Create a permanent special rapporteurship at the Inter-American Commission on Human Rights to monitor and follow up on the recommendations of the 2009 Report on Citizen Security and Human Rights and to implement the Inter-American Court's decisions and recommendations in this field.

b) **Recommendations for States**

- **Comprehensive Policies on Citizen Security.** Design, implement, and evaluate long-term, comprehensive policies, strategies and plans on the prevention of all forms of insecurity, including crime and violence, application of the law, rehabilitation and social reintegration, attention to victims, and institutional strengthening. These policies should focus on addressing the causes of citizen insecurity and organized crime within a framework that protects and promotes human rights. They should involve a wide range of public, private, and non-governmental actors at all levels of government, including citizens.
- **Security Observatories**. Create and develop, or strengthen organizations in charge of collecting, systematizing, and analyzing country-level information on citizen security and organized crime using the OAS Observatories Manual as a reference in order to better understand the problems and most effective public policies. These organizations will conduct research, systematize and disseminate best practices. They will also serve as national counterparts to the Hemispheric Security Observatory and provide it with regular, timely, and accurate information.
- **International Cooperation.** Strengthen bilateral, subregional, hemispheric and international coordination in order to improve security policies and combat transnational organized crime while fully respecting human rights and the rule of law.

REFERENCES

Bibliography and other Sources

BANCO INTERAMERICANO DE DESARROLLO (BID). 2009. **Propuesta: Marco de referencia para la acción en el área de seguridad y convivencia ciudadana**. Anexo II: Panorama estadístico de la seguridad y convivencia ciudadana en América Latina y el Caribe. Washington, D.C.

BANCO MUNDIAL. 2011. **Crimen y violencia en Centroamérica**. Un desafío para el desarrollo. Washington, D.C.

CARRIÓN, F. 2009. Barajar y dar de nuevo: hacia una nueva comprensión de la violencia y la seguridad. En: CARRIÓN, F.; DAMMERT, M. (Comp.). 2009. **Economía política de la seguridad ciudadana**. Quito: Facultad Latinoamericana de Ciencias Sociales (FLACSO) Ecuador y Municipio del Distrito Metropolitano de Quito (MDMQ). p. 9-38.

COALICIÓN REGIONAL EN SEGURIDAD CIUDADANA Y DERECHOS HUMANOS. 2011. **Declaración de las Organizaciones de la Sociedad Civil para la Seguridad Pública en las Américas**. Quito.

COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH). 2009. **Informe sobre seguridad ciudadana y derechos humanos**. Washington, D.C.

CORPORACIÓN LATINOBARÓMETRO. 2010. **Informe 2010**. Santiago de Chile.

COSTA, G. 2011. La inseguridad en América Latina ¿Cómo estamos? **Revista Brasileña de Seguridad Pública**, Sao Paulo, Foro Brasileño de Seguridad Pública, Año 5, n. 8, p. 6-36, feb.-mar.

CRUZ, J.M. 2009. Maltrato policial en América Latina. **Perspectivas desde el Barómetro de las Américas**: 2009, n. 11. Nashville, Tennessee: Vanderbilt University. Barómetro de las Américas por Latin American Public Opinion Project (LAPOP).

DAMMERT, L.; ALDA, E.; RUZ, F. 2008. **Desafíos de la seguridad ciudadana en Iberoamérica**. Santiago de Chile: Facultad Latinoamericana de Ciencias Sociales (FLACSO) Chile.

DAMMERT, L.; SALAZAR, F. 2009. ¿**Duros con el delito**?: populismo e inseguridad en América Latina. Santiago de Chile: Facultad Latinoamericana de Ciencias Sociales (FLACSO) Chile.

DAMMERT, L.; ZUÑIGA, L. 2008. **La cárcel**: problemas y desafíos para las Américas. Santiago de Chile: Facultad Latinoamericana de Ciencias Sociales (FLACSO) Chile.

FACULTAD LATINOAMERICANA DE CIENCIAS SOCIALES (FLACSO) Chile. 2007. **Reporte del Sector Seguridad en América Latina y el Caribe**. Santiago de Chile.

HUMAN RIGHTS WATCH. 2009. **Impunidad uniformada**. Uso indebido de la justicia militar en México para investigar abusos cometidos durante operativos contra el narcotráfico y de seguridad pública. New York.

ORGANIZACIÓN DE ESTADOS AMERICANOS (OEA). 2011. **Informe sobre Seguridad Ciudadana en las Américas 2011**. Estadísticas oficiales de Seguridad Ciudadana producidas por los Estados Miembros de la OEA. Washington D.C.

PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO (PNUD). 2006. Venciendo el temor. (In)seguridad ciudadana y desarrollo humanos en Costa Rica. **Informe Nacional de Desarrollo Humano 2005**. San José de Costa Rica.

_____. 2009-2010. Abrir espacios para la seguridad ciudadana y el desarrollo humano. **Informe sobre Desarrollo Humano para América Central 2009-2010**. Colombia.

RICO, J.M.; CHINCHILLA, L. 2006. **Las reformas policiales en América Latina**: situación, problemas y perspectivas. Lima: Instituto de Defensa Legal.

SEGURIDAD, JUSTICIA Y PAZ. 2011. **Estudio comparativo de la incidencia de homicidio doloso en ciudades y jurisdicciones sub-nacionales de los países del mundo** (2010). México D.F.

SELIGSON, M.; Y SMITH, A.E. (Ed.). 2010. **Cultura política de la democracia 2010**. Consolidación democrática en las Américas en tiempos difíciles: Informe sobre las Américas. Nashville, Tennessee: Vanderbilt University. Barómetro de las Américas por Latin American Public Opinion Project (LAPOP).

TRANSPARENCY INTERNATIONAL. 2010. **Barómetro global de la corrupción**.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). 2011. **2011 Global Study on Homicide**. Trends, Contexts, Data. Vienna.

WORLD BANK. 2011. **Violence in the city**. Understanding and supporting community responses to urban violence. Washington, D.C.

WORLD ECONOMIC FORUM (WEF). 2011. **The Global Competitiveness Report 2011-2012**. Geneva.

NOTES

1. The Observatory was created by the Department of Public Security of the Secretariat for Multidimensional Security of the OAS with the aim of gathering and analyzing information about crime produced by member States. More recently, the Observatory has been linked to the Executive Office of the Secretariat, so as to be able to articulate with the observatories on drugs and terrorism. See <http://www.oas.org/dsp/english/cpo_observatorio.asp> Last accessed on: Jan. 2012.

2. The figures for Argentina, Canada, Chile, Nicaragua, Saint Lucia and Venezuela are from 2008, those for Ecuador are from 2007, and those for Suriname are from 2005. In total, data is drawn from 34 countries in the hemisphere and include two countries in North America, 14 in the Caribbean, and 18 in Latin America. Cuba, Haiti, and Honduras did not submit information on their prison populations for any year in the past decade.

3. The Inter-American Court of Human Rights warned of this risk in *Montero Aranguren et al (Catia Detention Center) vs. Venezuela* (COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS, 2009, p. 43).

4. The basic standards used to regulate the operations of private security companies in the extractive industries can be found in the Voluntary Principles on Security and Human Rights, which was signed in December 2000.

5. The United Nations Single Convention on Narcotic Drugs (1961) modified by the 1972 Protocol; the United Nations Convention on Psychotropic Substances (1971); and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

6. The United Nations Convention against Corruption was approved in December 2003.

7. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, which complements the United Nations Convention against Transnational Organized Crime, was approved in May 2001.

8. Between 1963 and 2010, the United Nations approved fourteen international instruments against terrorism. A general convention against international terrorism, which would complement the existing legal framework on this topic, is currently under negotiation.

RESUMO

O Hemisfério Ocidental, em especial os países da América Latina e do Caribe, enfrentam problemas muito sérios de segurança, que são, hoje, a principal preocupação dos cidadãos em toda a região. Contribuem para tanto uma série de fatores, dentre os quais se destacam, devido à sua importância, o efeito pernicioso do tráfico e do consumo de drogas e a fragilidade das instituições responsáveis pela segurança e pela Justiça. No entanto, também houve, embora limitados no tempo e no espaço, desenvolvimentos institucionais positivos, tanto nacionais como interamericanos, que não são nada desprezíveis. É necessário construir com base neles para superar os desafios.

PALAVRAS-CHAVE

Segurança pública – Crime organizado transnacional – Homicídios – Vitimização – Percepção de insegurança – Confiança nas polícias – Sistema penitenciário – Organização dos Estados Americanos

RESUMEN

El Hemisferio Occidental, en especial los países de América Latina y el Caribe, enfrentan muy serios problemas de seguridad, que constituyen, hoy, primera preocupación ciudadana en toda la región. Contribuyen a ello un conjunto de factores, entre los que destacan, por su importancia, el pernicioso efecto del tráfico y del consumo de drogas, y la debilidad de las instituciones encargadas de la seguridad y la justicia. No obstante, también se han experimentado, aunque limitados en el tiempo y en el espacio, desarrollos institucionales positivos, tanto nacionales como interamericanos, que no son desdeñables. Es preciso construir sobre ellos para superar los desafíos.

PALABRAS CLAVE

Seguridad ciudadana – Delincuencia organizada transnacional – Homicidios – Victimización – Percepción de inseguridad – Confianza en las Policías – Sistema penitenciario – Organización de los Estados Americanos

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