

# The Democratic Imperative: Explaining the choice of crime fighting approaches in highly affected states

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## **Abstract**

Violence and crime has been the plight of man since the dawn of times, and continues to be a major obstacle on the road to development but also a significant indicator of grave anomalies within societies. In modern times, fueled by technological advances, crime continues to exert a major toll on societies in every corner of the world; however, it is those countries that are already under considerable economic, political, and social pressure that exhibit the highest levels of violence. In the reportedly successful effort to bring about a lasting reduction of crime, these countries have largely employed criminal justice methods and elements, such as increased policing and incarceration. Many scholars and actors argued for crime reduction using a more comprehensive approach brought about under the concept of human security (HS), since over-reliance on the measures of the criminal justice system (CJS) were seen as overly punitive and damaging. There were quite a few governmental developmental initiatives aimed at reducing crime; these were, however, abandoned for speedy, tougher responses. The aim of this research was to analyze crime fighting strategies and measures in the case studies, and see why a more punitive approach was overly favored to the expense of a more integrated response. Regarding the lack of sufficient background knowledge, there has been considerable difficulties in fusing this largely criminological problem with the field of development. However, the paper thus aimed to contribute to extend the interdisciplinary reach of developmental studies.

The research used the rate of homicide per 100,000 people as the indicator to measure crime. In order to bring about the aforementioned goal, the paper at-hand focused on the most violent states, and analyzed those countries which have reached a significant drop in homicide since 1995: El Salvador, Colombia, and South Africa. The empirical analysis consisted in the contrasting of the breadth of CJS policies on the one hand and HS programs on the other. Three main indicators were used for each of the approaches: conviction rates, figures of incarceration, and the size of the police force for the former, and rehabilitation programs, youth projects, and the reach of community policing for the latter. Due to linguistic and geographical constraints, only secondary sources, both qualitative and quantitative were employed.

The analysis showed the predominant use of the CJS approach, while developmental policies were often neglected or only stayed at the level of rhetoric. The causes for this neglect are manifold. HSA policies lacked analytical and operational depth, without an effective way to measure their direct impact on crime. Thus, they appeared vague and impractical in the eyes of national government, which envisaged readily measurable interventions. Successes in reducing the occurrence of homicide depended on several factors, while they would have often been officially attributed only to CJS policies. An atmosphere of insecurity and uncertainty in these highly affected countries pushed citizens to demand a speedy end to violence, a populist democratic imperative often exploited by presidential candidates in their rhetoric. Additionally, human security initiatives were often halted right before their inception due to lack of resources and political backing, or abandoned after a period of insufficient implementation after the necessary political will was exhausted.

The findings of the research reinforce the arguments of those who had considerable criticism towards the concept of human security, as imprecise and overly broad to have significant implementation or impact on both academic work and policymaking. The criminal justice approach, although suffering from certain deficiencies also proved to be more effective than initially conceived in pacifying societies. However, considerable increases in violence and crime in numerous developing countries still underline the need for more academic work and debate on the best ways to end this plight.

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# List of Abbreviations

ANC – African National Council

AUC – United Self-Defense Forces of Colombia

CARSI – Central America Regional Security Initiative

CJS – criminal justice system

CP – community policing

DCS – Department for Correctional Services

DESEPAZ – Development, Security and Peace

DSP – Democratic Security Policy

ELN – National Liberation Army

ERPAC – Popular Revolutionary Anti-Terrorist Army of Colombia

FARC – Revolutionary Armed Forces of Colombia -People's Army

FMLN – Farabundo Martí National Liberation Front

HRBA – human rights-based approach

HS(A) – human security (approach)

ISS – Institute of Security Studies

MS-13 – Mara Salvatrucha

NCCS – National Crime Combating Strategy

NCPS – National Crime Prevention Strategy

NICRO – National Institute for Crime Prevention and the Reintegration of Offenders

NPA – National Prosecuting Authority

NYS – National Youth Service Programme

ONUSAL – United Nations Observer Mission in El Salvador

PH – public health approach

PNC – National Civil Police of El Salvador

RJ – restorative justice

SAPS – South African Police Service

UNDP – United Nations Development Programme

UNESCO – The United Nations Educational, Scientific and Cultural Organization

UN-Habitat – United Nations Human Settlements Programme

UNODC – United Nations Office on Drugs and Crime

USAID – United States Agency for International Development

WHO – World Health Organization

# 1. Introduction

## 1.1. Background

*“Few causes defended by the United Nations have generated more intense and widespread support than the campaign to promote development and rule of law, including that through violent crime prevention and reduction.”*

(Lemieux, den Heyer, & Das, 2015, p. ix)

Violence and crime affect all societies to different degrees, whether they are undergoing internal or external wars, suffer from everyday forms of criminal or political violence, or just entered a postconflict situation. Each human life is precious and valuable, nevertheless for every death resulting from armed conflict there are three deaths connected to violent crime in nonconflict context. Thus, the human toll of armed violence far exceeds that of the more apparent violence in wars and armed conflicts (Lemieux, den Heyer, & Das, 2015, pp. ix-x).

Beyond the suffering of individual victims, the cost of crime and violence are manifold. First of all, they carry staggering economic costs both on the national level, dragging down economic growth and polluting the investment climate, and on the personal level, causing lost wage and labor. Faced with this dire condition, national governments divert resources from economic growth to strengthen law enforcement (World Bank, 2011).

Besides the obvious economic damage, crime erodes social and human capital, tears families and whole communities apart, forces skilled workers to emigrate, and also weakens key state institutions, tarnishing their legitimacy in the eyes of the public, thus encouraging distrust in police forces and civilian vigilantism.

Meanwhile, several governments of developing countries fall under a lot of pressure from their populations to find a swift answer and address effectively what in some cases can be described as a veritable crime epidemic. The governmental answer in most cases is the so-called criminal justice system (CJS) approach which tries to reduce crime and violence through higher arrest rates, tougher laws as deterrence, and longer sentences. In spite of CJS's apparent successes in the analyzed countries to bring about more peaceful communities, and remove offenders and other criminal elements from society, this approach has also shown limitations in the past due to lack of

sophistication in detecting crime patterns and allocating police resources, inefficient police and judicial institutions, and lack of willingness to target the root causes of violence. The use of the criminal justice approach also underlines the need for police and judicial reform both to reduce impunity and address deeper issues involving justice, corruption, and human rights abuses.

The sector-specific criminal justice system (CJS) approach has had a positive record at reducing the most violent of crimes. Nevertheless, policies and actions implemented under this approach often had several negative side-effects which need to be dealt with, such as, filling prisons over their capacity with offenders, and proving to be ill-equipped and powerless in the face of embedded corruption and unnecessary violence within the ranks of police. As a remedy, governments and, more predominantly non-governmental organizations, started to search for alternative strategies which would be eminently cross-sectoral in nature. Among others, these would focus on community-driven social development, rebuilding social cohesion, urban renewal programs, and violence prevention using a public health approach. These actions do by no means exclude investments in criminal justice and police interventions, but incorporate them in a wider strategy to combat crime on several fronts at once, treating it as a complex developmental issue. In the analyzed countries, however, cross-sectoral approaches have not gained widespread attention and implementation, often remaining only at the level of political discourse.

In recent times, numerous studies have surfaced denouncing crime and violence as major obstacles towards development and modernization, as these endanger human capital, spread distrust among members of society, drive foreign investment away, and undermine state capacity and institutions. The research at hand switches the problem over and examines how policies enacted under the nexus of the sectors of development and security can effectively reduce violent crime in a society.

The Human Security approach, explicitly presented in the Human Development Report of 1994 by the United Nations Development Programme, has the capacity to account for the complex nature of not only violent crime, but also of human well-being, thus potentially providing a theoretical and operational framework to facilitate long-term crime reduction. Its perspective shifts the emphasis from the security of the state to the safety of the citizen as the prime referent of security, advocating for a multi-sectoral and integrated response to human insecurity. Despite its merits, this approach has not been widely employed, and its track record has suffered from the difficulty to correctly assess its impact on crime reduction.

This framework will be contrasted with the criminal justice system approach, belonging to the field of criminology, the goal being to uncover why, in spite of its shortcomings when it comes to its conceptualization of crime and methods to reduce its occurrence, has been so far favored to realize more peaceful societies.

## **1.2. Problem Formulation**

Today, the world's highest crime rates are to be found in the Americas and Africa. As such, this research deals with the various national and sub-national crime-reduction policies in three countries: El Salvador, Colombia, and South-Africa. Out of ten countries with the highest homicides rates in the world, these showed a significant reduction when comparing figures from 1995 with those of 2012, thus they serve as suitable case studies to uncover the efficiency of CJS and developmental policies, and to see why the former is enjoying continued widespread implementation on the expense of the latter.

Anti-crime policies and measures in these countries has been successful in reducing the occurrence of homicide, the most serious and impactful of crimes, managed to extend the capacity of the state to enforce law, and all in all realized more peaceful societies when compared with the situation in the 1990s. Nevertheless, many have questioned the depth, consistency, sustainability and longevity of the results so far achieved. El Salvador registered March 2015 as the deadliest month in 10 years, after a truce between the two most influential criminal gangs of the country began to break up. Similarly, the cities of Bogotá and Cali of Colombia also experienced a renewed rise in violent crimes, as local gangs began a turf war over the control of certain drug trafficking schemes. Meanwhile, homicide rate in South Africa rose for the third consecutive year since 2011, prompting Member of Parliament Dianne Kohler Barnard to state that “the murder rate in the country is reflective of a war zone (News24, 2014)”. Predominantly non-governmental organizations and international institutions also put in question the so-called collateral damage that the criminal justice system exerted on these societies, as human rights abuses and corruption are prominent in the police forces, unintended civilians are caught in the crossfire during police and military operations, and the prison systems are struggling with overcrowding. These agents advocate for a more comprehensive approach to combat crime not only to make such efforts more



effective but also to remedy the deficiencies that the CJS has by focusing on both victim and offender, agent and structure.

Judging from the successful, consistent reduction of murders in the case studies, while numerous developing countries registered the growth of violence and crime during the past 20 years, this research examines the dynamics behind successful approaches, by analyzing both the underlying causes to a lesser extent, government and civil society responses, and the ensuing results. Based on empirical inquiry, the broad aim of the paper is to see why the CJS approach, and its conceptualization of crime, was and still seen preferable over developmental policies aimed at crime reduction. As such, the research question of this research is the following:

***What explains the choice of crime fighting approaches in managing homicide rates in highly affected states?***

Crime and violence in Central America has several interconnected drivers, yet the most obvious one seems to be the illegal drug trade, with crime rates indicated to be 100 percent higher in drug “hot spots” than in other areas (Arnson & Olson, 2011, pp. 2-3). Central America, and the thesis’ focus in the region, El Salvador, lies along what has been identified as the world’s highest value drug flow: the flow of cocaine to the United States from South America. This trade has affected the region for more than 40 years, yet recent changes in the global market transformed these countries from mere transit routes to logistic and supply storages for transnational trafficking groups (UNODC, 2012, p. 16). The lengthy civil wars during the Cold War has ensured the widespread availability of firearms, with them being overwhelmingly present in reported cases of violent crime. A study in 2007, showed the presence of approximately 4.5 million small arms in the region (World Bank, 2011). As a UNODC report (2012, pp. 9-11) reveals, the citizens of the region regard criminal violence as the most pressing issue facing their countries today. It is particularly the countries of the so-called Northern Triangle that face extreme violence, exacerbated by drug trafficking and transnational organized crime. According to this study, El Salvador, Honduras and Guatemala now boast some of the highest homicide rates in the world.

El Salvador has managed to halve the number of murders during the last 20 years to 68 per 100,000 people in 2014. However, the Salvadoran government is still struggling to address the issue effectively, failing to show a marked and consistent decrease since 2005, possibly due to a lack in the expertise, skills, and necessary resources. Initially, governmental countermeasures have largely

been confined to military and police operations. These anti-gang policies manifested under the so-called *mano dura* (heavy handed) approach in El Salvador, Guatemala and Honduras, due to growing popular demand and media pressure on these governments to “do something” about the escalation of violent crime. Having the upmost support of the people, the legislatures enacted new penal law amendments, outlawing *maras* (gangs) and gang membership, enhanced police powers, and hardened penalties for convicted gang members. Numerous joint military and police operations followed suit (Seelke, 2007, pp. 2-3).

Despite advances in reducing crime in post-apartheid South Africa owing in large part to the criminal justice system of the country, it still remains one of the most violent countries worldwide. It is clearly evident that homicide figures in South Africa showed a 50% reduction since 1995. However, many actors involved in the issue profess the same opinion as the Institute of Security Studies (ISS), a South African organization, which has outlined the need for the implementation of evidence-based programs and a multi-sectoral approach as part of the national development plan (ENCA, 2014). The biggest hindrance to such strategy is also what appears to be one of the root causes of violence in the country, namely the low level of respect for law and trust in judicial institutions, stemming from the lawless years of the apartheid.

The government of Nelson Mandela’s African National Congress party devised its first comprehensive strategy to combat crime in 1996, which was impressive in conceptualizing crime as a broader social challenge rather than only a security issue. However, by the beginning of the 2000s, the state responded to the pressure of its citizens to get tough on crime and “declare war” against it. This meant that the government would dedicate its resources and focus on the institutions of criminal justice, and to equate crime prevention with simple policing.

Despite dramatic reductions in murder figures by two thirds in Colombia over the past two decades, the state and civil organizations still struggle to exert a more significant dent and make the country more peaceful. In an environment of widespread poverty, stark inequality, lack of employment opportunities, and with whole neighborhoods controlled by criminal gangs, it is the Colombian youth which is the most at risk to be affected by crime, both as offenders and victims. State response to the issue has been overly confrontational, targeting drug cartels by organizing large operations involving both police and military personnel.

Regarding crime prevention and cross-sectoral approaches in the country, there are several projects implemented on the municipal level which instill optimism regarding the expansion of cross-sectorality. Dr Rodrigo Guerrero, mayor of Cali, one of the most violent cities in the country, embarked on a successful multi-faceted approach to reduce crime by 30 percent, which involved community empowerment, restricting the availability of handguns and alcohol, improving street lighting (Guerrero & Concha-Eastman, 2008). Initiatives in Bogotá also saw homicides rates reduced by more than half between 1994 and 2000. Other projects in the country focused on building social and human capital among at-risk youth, improving the access of poor communities to conciliation, legal, and human rights services, as well as training community watchmen who monitor the number of crimes in neighborhoods.

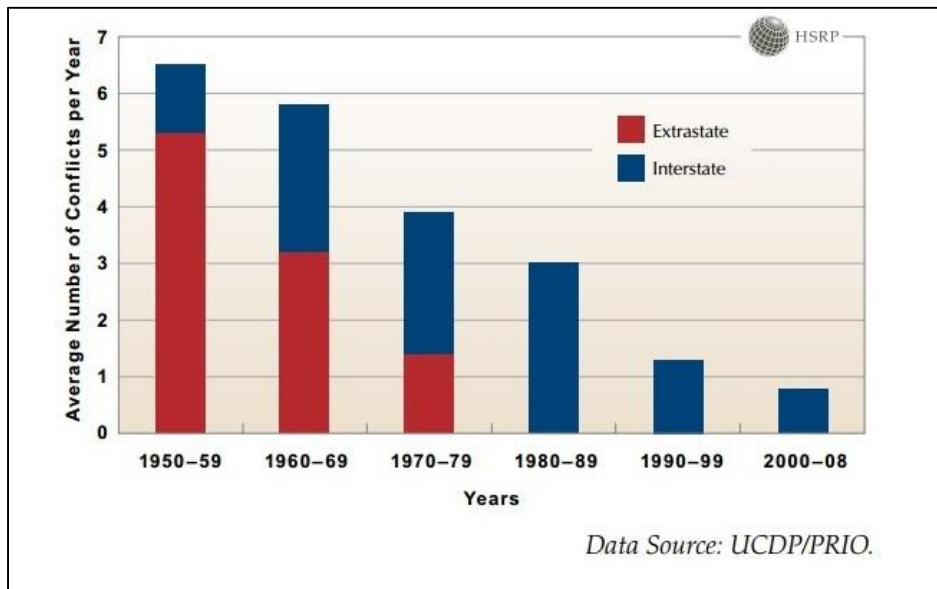
## 2. Methodology

This section introduces the overall research strategy, describes the various methods to be used throughout the research. First, the justification for the choice of topic will be presented, followed by a brief description of the case studies employed. Then it explores the possible limitations and constraints which might result in possible shortcomings regarding the content and scope of the paper.

### 2.1. Justification of the Research Topic

In 2011 Harvard University's Steven Pinker stated that "today we may be living in the most peaceful era in our species' existence" (Werleman, 2014). Pinker pointed out that there are fewer conflicts today and wars do not kill nearly as many people as in the Middle Ages, attributing this positive development to complex human advances, such as the rise of education and solidarity among peoples.

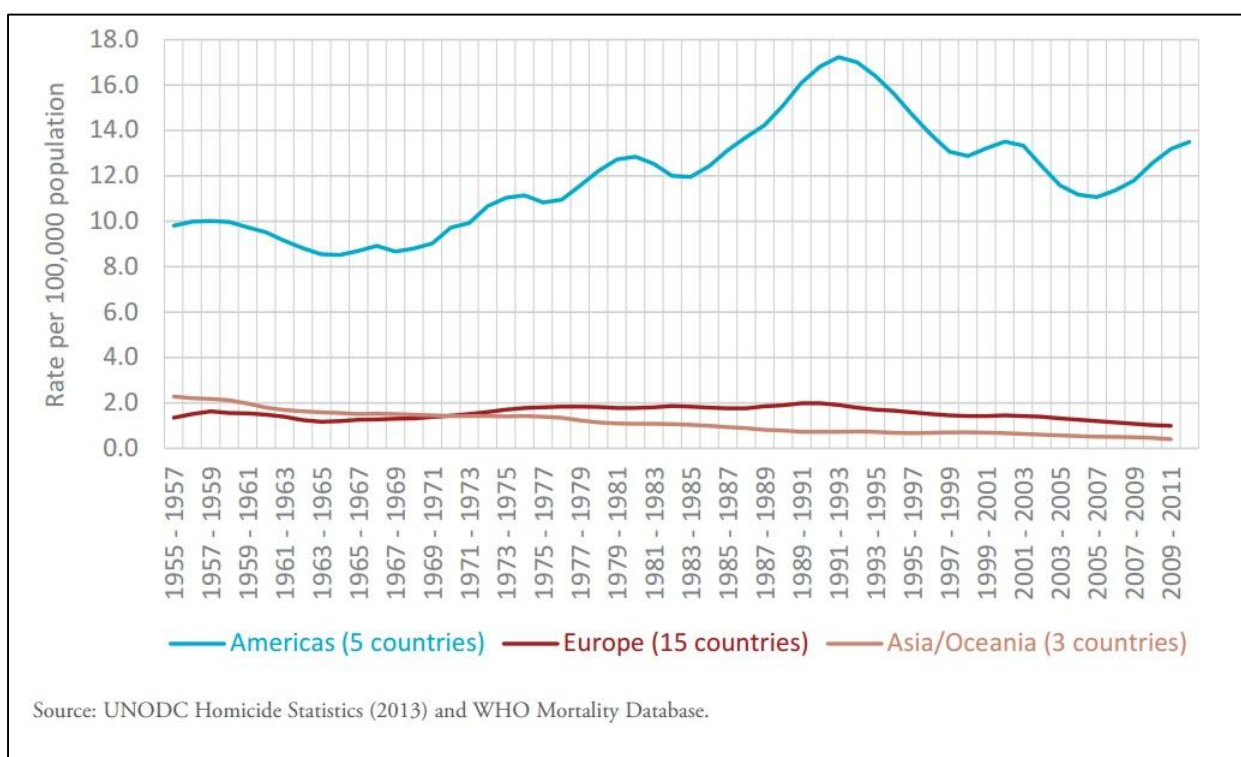
Figure 1. *Average Number of International Conflicts Per Year, 1950-2008*



(Human Security Report Project, 2011)

The central claims of those optimistic about the level of violence today have, nevertheless, become the focus of wide-ranging and contentious debate. Although, the rapid decline in international wars over the past 60 years – shrinking from six wars fought over the course of one year in the 1950s to less than one in the 2000s – and the extraordinary long-term drop in deadly violence are readily apparent, murder rates in Latin America and some parts of Africa are high and have even been climbing recently. The diagram of the *Global Study on Homicide* shown below and released in 2014 by the United Nations Office on Drugs and Crime clearly reinforces this fact by comparing trends in the rate of homicide from the last 60 years.

Figure 2. *Homicide rates, selected regions (1955-2012)*



(UNODC, 2014, p. 12)

Against the backdrop of these rates of violent crime and the image of overcrowded prisons in many developing countries, it is clear that both state actors, representing the criminal justice system and non-state ones, such as civil society organizations, communities, individuals, and international organizations, have to address the situation more effectively, by examining past approaches, identifying the root causes and contributing factors, and facilitating cooperation.

## 2.2. Selection of Case Studies

The general nature of the research problem necessitates a cross-country comparative approach in order to arrive to a general deduction regarding the best practices to combat crime in developing countries. The case selection relies on homicide rates per 100,000 people as the main indicator of crime level. Murder is an important indicator as it is the most accurately reported of all crime categories, and it is widely seen as a mirror of a country's stability. As such, the ten countries with the highest homicide rates in 2012 (see *Table 1*) were chosen as a point of departure, as shown in the World Bank's database on intentional homicides. The same database on intentional homicides was used for the 1995 statistics. Then, out of these ten countries those without data of 1995 homicide rates were discarded (Honduras, Belize, and Swaziland). Finally, only those countries which showed a marked reduction between 1995 and 2012 were employed as case studies: El Salvador, South Africa, and Colombia. These cases have a complex criminal environment with high crime rates, but managed to successfully reduce the numbers of homicide on way or the other, and as such, they serve as suitable cases of analysis.

Table 1. *Intentional homicides in 2012 (per 100,000 people)*

Country Name	1995	2012
1. Honduras	N/A	90
2. Venezuela, RB	20	54
3. Belize	N/A	45
4. El Salvador	139	41
5. Guatemala	33	40
6. Jamaica	32	39
7. Swaziland	N/A	34
8. St. Kitts and Nevis	9	34
9. South Africa	65	31
10. Colombia	70	31

(The World Bank, 2015)

The case of El Salvador was chosen from a highly violent Central America with some of the highest homicide rates in the world, a country mired in deep poverty and considerable presence of organized crime groups. Despite its consistently high number of crimes, statistics showed both a marked general drop since 1995 and a sharp decrease in 2012 specifically, making it an interesting subject of analysis.

South Africa, together with its small neighbors Lesotho and Swaziland, have unnervingly high rates of crime when compared with other African states. The country seems to have succeeded in reducing the rate of homicides by more than 50%, but it still has a long and arduous way to go to be considered a peaceful society. With its complex criminal environment, coupled with the presence of violent subcultures and an air of distrust left by the apartheid era, South Africa poses a highly complex case study for our research.

During the 1980s and 1990s, Colombia garnered quite an infamous reputation for the power and societal reach of several drug cartels and high murder figures. The country, having consistently decreased homicide figures, offers examples of both criminal justice policies and inter-sectoral human security initiatives, and as such, it is the most useful case study from the South American continent.

### **2.3. Data and Sources**

In order to answer the research problem as comprehensively as possible both qualitative and quantitative data will be used. Due to geographical and linguistic constraints, the research uses only secondary sources: books, scientific (South African Crime Quarterly) and newspaper articles, statistics produced by national and supranational entities (UNDP, WHO, World Bank, UNODC), specialized reports, reliable websites (International Centre for Prison Studies, In SightCrime), online sources and, other publications. As such, careful attention will be given to ensure the use of valid sources as unbiased as possible.

For figures of homicide, this research relies on the World Bank database on intentional homicides and the UNODC reports of 2012 and 2013. UNODC reports and statistics, together with national police statistics will be employed for criminal justice system indicators. To measure reliance on the criminal justice system, three indicators will be used: conviction rate (successful prosecutions in relation to the total number of crimes reported), the size of police personnel, and the size of the

prison population. Compared with the readily available and well-defined CJS indicators, reliable ones for the human security approach are harder to find, a fact that underlines the apparent conceptual vagueness of the latter. As such, the employment of human security cross-sectoral programs will be measured by examining the reach of community policing, rehabilitation programs for offenders, and projects aimed at at-risk youth. Additional data will also be employed, such as increases or decreases in the security budgets and the impact of urban renewal programs on homicide figures.

## **2.4. Limitations**

Besides the limitation of using exclusively secondary sources, there are also noteworthy constraints when it comes to using statistical data on crime. First of all, methods of recording and counting crime vary from country to country and there are no universal standards on producing and presenting crime statistics. Secondly, definitions of what constitutes a crime also vary depending on cultural, social and legal differences. Thirdly, crime data greatly relies on resources availability, resulting in potentially inaccurate and incomplete crime data produced in poor nation (UN-Habitat, 2007, p. 52). Additional limitation concerning the available data is that underreporting is thought to be a major issue in some developing countries, due to the citizens' low level of trust in justice sector institutions. To contrast these constraints, out of all the types of crime, intentional homicide and armed robbery prove to be more reliable when assessing crime trends in a country.

## **2.5. Structure of the Thesis**

The project aims to follow a consistent structure and clear lay-out in order to adequately answer the research problem, altogether containing six parts. Following the first two chapters of introduction and methodology, the theoretical framework introduces the concept of crime, analyzes its occurrence and desistance from it, and examines two major theories to security and crime, followed by additional minor ones. The fourth chapter will address the subjects of analysis empirically, the three countries, their levels of crime and violence, the roots of these, and the various national and sub-national anti-crime measures either relying solely on the criminal justice system or employing a cross-sectoral, integrated approach. The fifth and main part of the project will be an analytical inquiry into the causes of CJS' continued predominant use at the expense of



developmental policies. The thesis closes with the sixth conclusionary chapter, which summarizes the findings of the research conducted and sees whether the research problem was answered adequately and exhaustively.

### 3. Theoretical Framework

The following section of the thesis aims, first of all, to define crime and violence and lay out their typologies, and to discuss two theoretical approaches to security and their respective conceptualizations of crime. First, the **criminal justice system** (CJS), a primarily punitive approach will be dealt with, which focuses on reducing crime through a combination of deterrence and incapacitation. The **human security approach** (HS), the topic of the second part of this chapter, fuses development and security in its conceptualization, and addresses security through two general strategies: protection and empowerment. It is important to point out right at the outset that these two frameworks do not exclude each other, rather the human security approach seem to offer a broader multi-sectoral approach, while the former is more limited in its scope to combat crime and violence. As this paper aims to explore the effectiveness of cross-sectoral strategies to crime, the third part of this chapter will introduce additional alternative approaches.

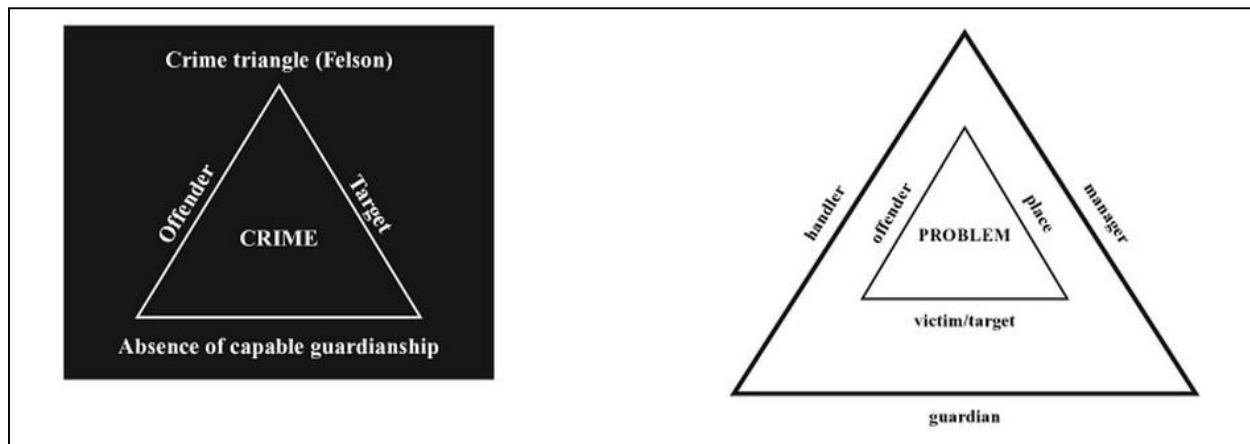
#### 3.1. Occurrence of and Desistance from Crime

Marcus Felson posits that any crime must be the product of three factors (*Figure 3*): the coming together at a particular time and place of a motivated offender, a potential target (both people and inanimate objects), and the absence of capable guardianship (defined as both human actors and surveillance- formal or informal). Absence of a capable guardianship of whatever type heightens the risk of a crime occurring. Felson argues that modernity brought urbanization, population growth, consumerism (characterized by the proliferation of attractive targets), and the advent of motor vehicle (guardianship more difficult as people are more mobile), all of these leading to major increases in crime all over the world over the last century. Felson's *crime triangle* highlights the limitations of traditional criminal justice policies, as it can only affect one side of the triad, the offender, and only through a limited range of actions (Sutton, Cherney, & White, 2014, pp. 18-19).

In an effort to further underline the indirect effect of broader social institutions on crime, John Eck modified Felson's triangle to expand the notion of guardians into handlers (anyone who can regulate, supervise or in some way restrain the potential offender from committing offences- parents, siblings, employers), managers (those who oversee behavior in particular environments

(e.g. private security personnel), and guardians (any person or technology assigned to look after specific targets). Eck's modification (Figure 3) highlights the way crime can be both the result of specific social processes and specific interactions at particular times and places. These models also underpin the fact that while concentrating crime prevention resources on the immediate situations when crime occurs may seem obvious, focusing on the social cause of crime may yield significant long-term results (Sutton, Cherney, & White, 2014, pp. 19-21).

Figure 3. *Felson's crime triangle and Eck's modification*



(Sutton, Cherney, & White, 2014, pp. 18; 20)

Departing from the onset of offences, understanding the dynamics of desistance – how and why offenders stop committing crimes- is key for the development of effective criminal justice practices and crime prevention programs. Academic research into desistance has been rather scarce, a fact that is further underlined by the debate started by Hirschi and Gottfredson, who argued that the onset and desistance from committing offences cannot be explained by reference to any variables or combinations of variables. Since then, the debate regarding the experience of crime (both victimization and offending) tended to rely on the divide between theories which focused on the agent's own actions on the one hand, and structural constraints on the other (Farral & Bowling, 1999, pp. 253-254).

Anthony Giddens was prominent in developing the structuration theory which posits that agents and structures do not exist independently from one another, rather agents themselves reproduce in action the structural properties of society. However, as Bauman posited there are differences both between individuals and within individuals during the course of their lives to resist the structuring

forces that they are subject to. Farral and Bowling (1999), on the basis of Bauman's approach, advocate a life-course perspective, which emphasizes on the notions of *trajectory* (line of development over the life course, such as an employment career) and *transitions* (events which break the trajectory) when approaching desistance. As such, empirical data has been focused on the desistance effects of events and trajectories, for example the start of significant life partnerships, schooling and employment (Farral & Bowling, 1999, pp. 255-259).

### **3.2. The Concepts of Crime and Violence**

Crime and violence are interrelated issues, although some acts of violence may not be crimes (such as those committed in accordance with law or those embedded in cultural norms) and some crimes do not entail violence (such as theft and drug-related offences). Regardless, there are significant overlaps between the two in cases, such as armed robberies and murders (UN-Habitat, 2007, p. 51).

This thesis uses a three-fold typology of crime: contact crimes, property crimes, and crimes against public order. The first category entails violent acts against persons, which are considered to be the most serious offences: homicides, assaults, robbery, rape and kidnapping. Property crimes, considered less serious than personal crimes, include larceny, theft and burglary. The third category, that of crimes against public order include corruption, trafficking of drugs, firearms, and human beings, all in all moral infractions and crimes against the public order and welfare (UN-Habitat, 2007, pp. 51-52).

Violence and crime negatively affect national development by eroding social and human capital, driving business away from affected communities, undermining that ability of the state to promote development, and destroying the trust relationship between the people and state (UNODC, 2005). The definition of violence by the World Health Organization (WHO) has gained international acceptance and describes the phenomenon as follows:

“The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.”

(Krug, Dahlberg, Mercy, Zwi, & Lozano, 2002, p. 5)

The paper at hand also makes use of the WHO's concept of organized violence developed during the 1980s but since redefined into the concept of collective violence:

“the instrumental use of violence by people who identify themselves as members of a group – whether this group is transitory or has a more permanent identity – against another group or set of individuals, in order to achieve political, economic or social objectives.”

(Krug, et al, 2002, p. 215)

Thus, collective violence brings wars, terrorism, state perpetrated violence, such as genocide, repression, and other human rights abuses, and organized violence, such as banditry and gang warfare under its definition. On the other hand, interpersonal violence is subdivided into family violence (including child abuse and domestic violence) and community violence (instances of youth violence, sexual assaults and crimes committed in institutional settings) (Krug, et al, 2002, p. 215; 219).

Keeping in mind the research's case studies, it is important to point out that the interrelation between interpersonal and collective violence is particularly unclear in a post-conflict settings where violent clandestine groups carry out violent acts and intimidation on behalf of hidden powers that embed themselves into state structures, with their crimes of targeted homicides disguised as common crime. As such, highly organized predatory behavior facilitated by elite patrons and the weak institutional apparatus on already marginalized populations is often mislabeled as “criminal violence” (Muggah & Krause, 2009, p. 140).

### **3.3. The Criminal Justice System Approach**

Violence, particularly criminal violence, has long been the focus of intense public debate and concern. For the most part of human history, society's response has been guided by the criminal justice system approach, which views the motivations of criminals as an important cause of violence and their sanctioning as an effective and just method. The criminal justice community has always viewed “violent crime” as a particularly important part of its responsibilities, a fact sufficiently reinforced by surveys of public opinion. This is not only due to the consequences of such offences but also because violence spread fear more widely and virulently than property crimes. All this pushes violent crime to the center of the criminal justice community's preoccupation (Moore, 1995, p. 237;240).

Compared with other approaches, which will be presented further on, the traditional criminal justice distinguishes itself by how quickly it turns away from the victim and toward the offender. This is not to say that the victims are not an important focus of their attention, as it was their suffering and the injustice inflicted on them that gave the criminal justice system its predicate for action. Rather the approach at hand sees violence as a threat to community order, thus it tends to focus social attention on the offender and on its apprehension and subsequent prosecution. In the eyes of the CJS community the causes of crimes are to be found in the motivations, intentions and general character of the offender. Comparatively, the public health approach, for example, focuses on risk factors that are important in shaping some acts of violence and could serve as suitable points of intervention for future programs of prevention (Moore, 1995, pp. 241; 243-245).

In contrast, the criminal justice approach's strategy to reduce crime flows quite naturally from its focus on the intentions of individual offenders as an important cause of interpersonal violence. Its actions to prevent crime are tertiary-level prevention measures (after offences have occurred). Interventions to reduce crime through prisons and judicial courts can be grouped under the following: incapacitation (depriving the offender of the capacity to commit crimes by incarceration), deterrence (such as hard punishment that neither the punished offender nor others will commit the crime in the future), community restraints (surveillance and supervision of offenders to reduce their capacity and the possible opportunities for criminal activity), specific programs aimed at deterrence, and programs which combine rehabilitation and restraint (to ensure that the offender makes changes that reduce the possibility for future criminal behavior) (Mackenzie, 2002, pp. 330-331).

All in all, the criminal justice approach aims to prevent violence by deterring potentially violent behavior at the individual level with the threat of punishment for violent acts. It is preoccupied with the answers to attain justice and the amount of adequate punishment. While such an approach is predominantly present to varying degrees in almost all countries today, and may be effective at deterring violent behavior at an individual level, it is insufficient at the primary prevention of violent crimes and the mitigation of their consequences on the population (WHO, 2004, p. 5).

Viewed from the perspective of those interested in reducing violence, the criminal justice approach had limited success. It is the criminal justice system's reactive nature which is the greatest of its inherent limitations. Deterrence, the central part of its prevention strategy has limited prevention

capacity (particularly, in cases of violence between acquaintances and family members). The CJS is likely consider external factors which might have motivated the offender to engage in violence less important as they are largely irrelevant to judge a person of its innocence (Prothrow-Stith , 2004, pp. 6-7).

As all three research cases are developing countries, it is important to mention that they typically have little to gain by keeping large numbers of minor offenders in prison due to “strong hand” policies. The risk of disease and death are increased by the low level of resources available for food and medical care, prison staff with low wages are more likely to give in to opportunities of corruption, and the imprisoned are unable to make a contribution to upkeep their families. Therefore, a different form of dealing with crime and violence is necessary, one which costs less than prison, attracts the help of the community and brings benefits to it (Stern, 1999, p. 238).

A significant shortcoming of the criminal justice system is the likely prevalence of corruption within its ranks in developing countries as a consequence of discretionary authority by government officials. Criminal law enforcement officials often have tremendous discretionary power. Police, judges, and prosecutors are not monitored closely, so self-interest may prevail. Corruption also poses a problem to conduct accurate research into the overall level of crime, as there are several reasons to believe that the crimes that public officials commit are considerably less likely to be exposed than instances of private sector crime. Moreover, law enforcement officials are also often in the position to allow certain individuals or members of organized criminal groups to operate in the illegal market while promoting other participants from entering the market (Benson, 1988, pp. 139-140; 142). Instances of corruption and general inefficiency of the criminal justice system underlines the grave need of reform in order to effectively reduce crime. Most countries on the road of democratic consolidation tend to have weak, politically vulnerable and ineffective criminal justice institutions. Few are completely capable of holding executive power in proper balance, of guaranteeing the observance of basic human rights, or of providing basic security to its citizens. Suitable reforms could include the implementation of new criminal and civil codes, constitutional or police reform or modest technical improvements to existing techniques (DeShazo & Vargas, 2006, pp. 1-2).

### 3.4. The Human Security Approach

“The world can never be at peace unless people have security in their daily lives. Future conflicts may often be within nations rather than between them-with their origins buried deep in growing socio-economic deprivation and disparities”

(UNDP, 1994, p. 1).

1994 saw the release of the United Nations Development Programme’s *Human Development Report* which marked a great paradigm shift in the understanding of global insecurity by challenging the traditional concept of national security by arguing that the proper subject of security should be the individual rather than the state. Here, the basic concept of security is redefined to have two major components: freedom from fear and freedom for want. These mean not only safety from constant threats of hunger, disease, repression and crime, but also “protection from sudden and hurtful disruptions in the pattern of our daily lives- whether in our homes, in our jobs, in our communities or in our environment” (UNDP, 1994, p. 3).

With the Cold-War ended by the 1990s, the concept of security was in an immediate need for reconceptualization. Thus, it was shifted from its previous definition as the defense of the territory from external aggression, protection of national interest in foreign policy or as global security from the threat of nuclear war to threats unfolding within the nations, such as political repression, poverty, unemployment and crime, worries of daily life. The above-mentioned UN report identified four essential characteristics of human security. Firstly, human security is a universal concern, relevant to people both in rich and poor countries, with many common threats to all people. Secondly, its components are independent, as threats such as drug trafficking, organized crime and social disintegration can travel through borders. Thirdly, the idea was reinforced that safety is easier to ensure through early prevention than the costly later intervention. Fourthly, the HS emphasizes its people-centered approach, where it is concerned about people’s life in the society, how “freely they exercise their choices, how much access do they have to the market and social opportunities” (UNDP, 1994, pp. 22-23).

The HS approach is not to be considered synonymous with the *human development approach*, pioneered by the prominent economist, Mahbub ul Haq. The latter shifted the focus of development attention away from the predominant concentration on economic growth to the quality and richness of human lives, which depend on a number of influences. Human security



supplements the expansionist perspective of human development by drawing attention on the so-called “downside risks”: the insecurities which threaten the safety of daily life, expose people to disease, imperil the natural dignity of men and women. Human security demands protection from these dangers and the empowerment of people so they can deal with them (Commission on Human Security, 2003, pp. 7-8).

Human security provides a flexible and comprehensive approach that could account for the complexity of factors that contribute to the various occurrences of crime. The multitude of interconnected risk factors cannot be addressed in isolation from one another: poverty, poor access to basic services such as education and health, lack of social cohesion, and weak governance, among others. HS offers a multi-sectoral, integrated approach that is aimed at addressing the structural causes of violence and emphasized community participation (United Nations Office for the Coordination of Humanitarian Affairs, 2013, p. 1).

Human security responses combine institutional and bottom-up community based strategies to combat violence. Through its framework of empowerment and public participation, it seeks to support the development of network of various stakeholders and the creation of mechanisms for collaboration. The resulting dialogue between citizens and their governments can result in increased levels of trust and greater civic engagement. Non-state actors, such as transnational networks of organized crime, gangs and vigilante groups can undermine state institutions and take advantage of the weak institutions of governance. HS also aims to identify gaps in governance and criminal justice systems (United Nations Office for the Coordination of Humanitarian Affairs, 2013, pp. 1-3).

Special attention should be given to the 20<sup>th</sup> century upsurge of uncontrolled urbanization which poses a very meaningful image of the interconnection of all human securities. This process resulted in poor living conditions, which then generated social unrest, violence and lawlessness. People in such areas confront crime, the breakdown of the rule of law, poverty, environmental degradation, lack of access and opportunity (UNESCO, 2008, p. 132). Theoretically speaking, the human security approach is well-suited to provide an inclusive, integrated approach to crime and violence which respects the rights and entitlements of marginalized slum dwellers in large metropolitan areas.

Although often regarded as inspirational due to the sheer breath of its conceptualization of human security and for its citizen-centered approach, HS has received considerable criticism. Paris (2001, p. 102) argues that human security risks being totally meaningless due to its vague and overly broad approach, and it opens up the potential for increasingly less accountable interventions in the lives of marginalized groups under the argument of international security. Nevertheless, it should be noted that the holistic nature of HS can prove useful in bringing together often isolated stakeholders and making grand coalitions in order to combat crime and violence.

### **3.5. Additional Approaches**

With its objective to find remedies to the shortcomings of the criminal justice community's approach to crime reduction, **restorative justice** (RJ) is by no means a novel approach. It has been the dominant model of criminal justice throughout most of human history, but which disappeared during the end of the Dark Ages, transforming crime into a matter of felony against the ruler, instead of treating it as a wrong done to another person, altogether a central part of the monarch's program of domination of his people (Braithwaite, 1999, p. 2).

With interest in rekindled in the West during the 1970s, RJ can be defined as (Marshall, 1999, p. 5): "a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future". Conventional justice systems see crime primarily as a violation of the interests of the state and decisions how it should be responded are made by representatives of the state. In contrast, restorative justice is concerned how to best deal with the offence to those most affected: victims, offenders and communities. It seeks to reconnect both victims and offenders at the community level through trying to heal the hurt and find solutions for crime prevention (Morris, 2002, p. 598). Established criminal justice is limited by formal legality to listen to the accounts of crime and their consequences on those involved. RJ seeks to remedy this, however it is limited by the abilities and interest of offenders and victims to think and act in ways which could be considered restorative (Daly, 2005, p. 11).

**Transitional justice** (TJ) has come to play a dominant role in debates on democratization, nation-building and state reconstruction. It is defined as the process of addressing human rights violations and massive war crimes committed in violent conflicts or during democratic transition. Its methods

involve judicial proceedings and prosecution of the offenders, the establishment of truth commissions to set up a record of offences, and reparations to the victims of abuses (Fischer, 2011, pp. 406-407).

**Public health approaches** (PH) to crime preventions have garnered considerable attention in developed and developing countries alike. They seek to integrate efforts to uncover the root causes and risk factors that may result in violence and to plan an evidence-based prevention (Kjaerulf & Barahona, 2010, p. 387). Risk factors are those individual, relationship, community or societal factors that predict and increased likelihood of interpersonal violence. At the heart of any program built on this approach are four steps: documenting and defining the problem, identifying the causes and underlying risk factors, developing and evaluating interventions, and subsequently implementing them. Broad recommendations of PH to advance crime prevention include enhancing data-collection capacity, implementing national action plans for violence prevention, establishing policies that address social inequalities, and coordinating international responses to the global trade of arms and drugs (Phinney & de Hovre, 2003, pp. 66, 68, 71).

The Office of the United Nations High Commissioner for Human Rights defines **the human rights-based approach** (HRBA) as follows:

“A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.”

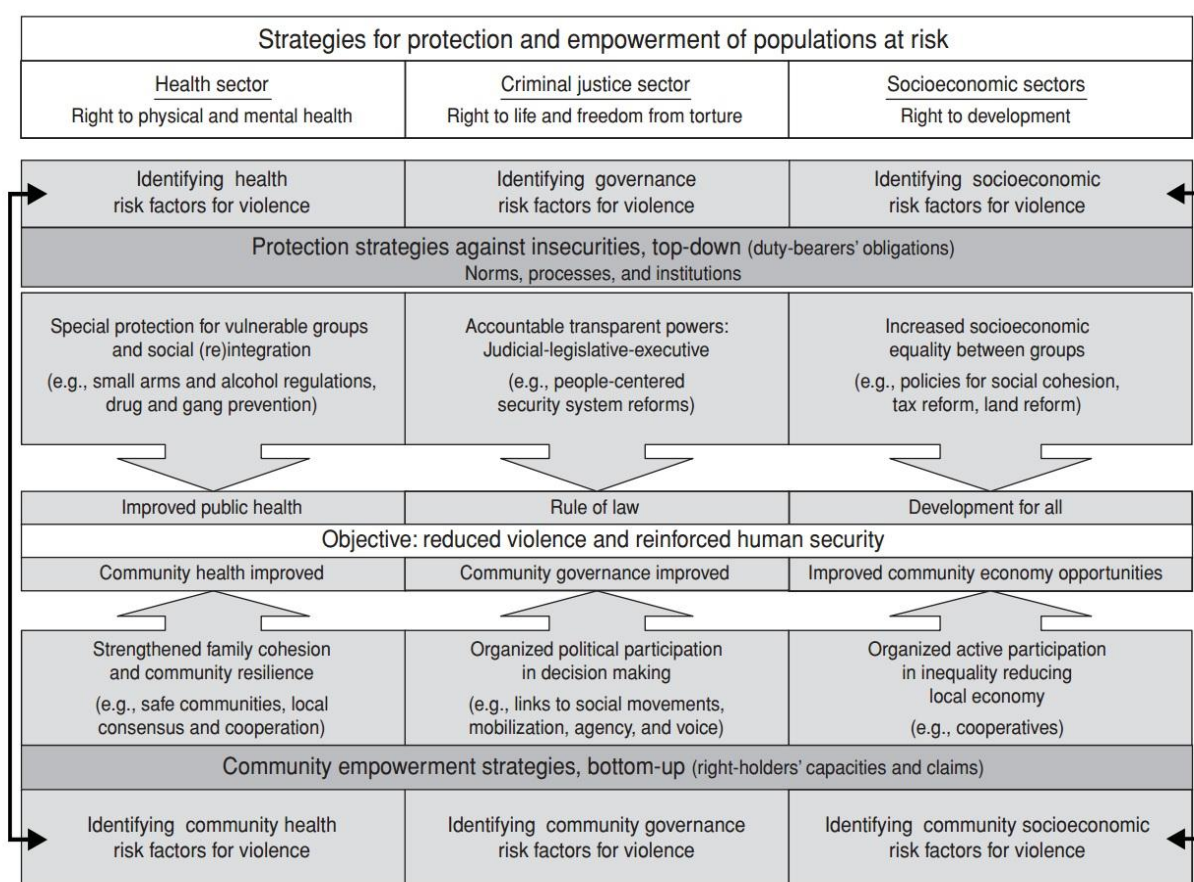
(Office of the United Nations High Commissioner for Human Rights, 2006, p. 15)

Targeting crime and violence, the HRBA is particularly concerned with violations on the right to life and other fundamental human rights perpetrated in an institutional setting, such as prisons, police detention centers and other closed institutions (even public schools with a high density of at-risk populations). Under the conceptualization of this approach, the state has the obligation of ensuring the safety of its citizens and prevent violence leading to death. That is, the state is held unconditionally responsible for the lives of individuals in state custody, and is still responsible to protect the free citizens against third-party violations. This approach emphasizes free, active, and meaningful participation of active stakeholders in society, and seeks to empower excluded or

marginalized groups by building on non-discrimination (Office of the United Nations High Commissioner for Human Rights, 2006).

The resulting framework for the prevention of violence and crime does not exclude the criminal justice approach. Rather it builds on it, supplementing it with alternative methods and useful reconceptualizations. It contains six preventive strategies, connected in a cross-sectoral way to reinforce violence reduction potentials: three top-down national protection strategies and three bottom-up community-driven strategies. Kjaerulf and Barahona's (2010, p. 390) comprehensive visualization seen below is particularly useful in this case:

Figure 4. *Preventing violence and reinforcing human security*



(Kjaerulf & Barahona, 2010, p. 390)

## **4. Empirical Analysis**

The aim of this chapter is to review the levels of violent crime exhibited in the case studies (El Salvador, South Africa, Colombia), to outline their causes and risk factors to a lesser extent, and to examine the various responses to reduce crime under the criminal justice system and human security approaches. In order to uncover the breadth and efficiency of criminal justice system strategies, the analyzed data will include the rate conviction rate<sup>1</sup> of prosecuted people, the size of the prison population, and the size of national police force. The assessment of human security programs will be based on data related to rehabilitation programs, policies aimed at at-risk youth, and community policing. The main indicator to measure crime levels in the respective country will be the historically most reliable one, the level of homicide, occasionally supplemented by additional indicators to uncover the specificities of certain situations in the case studies.

### **4.1. Crime and Responses in El Salvador**

At the end of the 20th century, the political developments in Latin America were widely appraised. Rather being the exception, democratic rule has become the rule, with the end of the century appearing to be closing the door on legacies of authoritarian rule and insurgencies riddled with human rights violations. The end of the Cold War was the main catalyst behind Central America's wave of democratization as well, which, however, opened the door to new challenges, such as rising crime rates. In the majority of the cases, transnational organized crime groups took advantage of the waning power of the authoritarian state to entrench themselves into the social and political fabric of those societies (Malone & Malone-Rowe, 2014, p. 57). Propelled by the international drug trade, organized crime is the main supplier of violence in the region, posing as a challenging opponent to democratic states struggling to establish and uphold the rule of law.

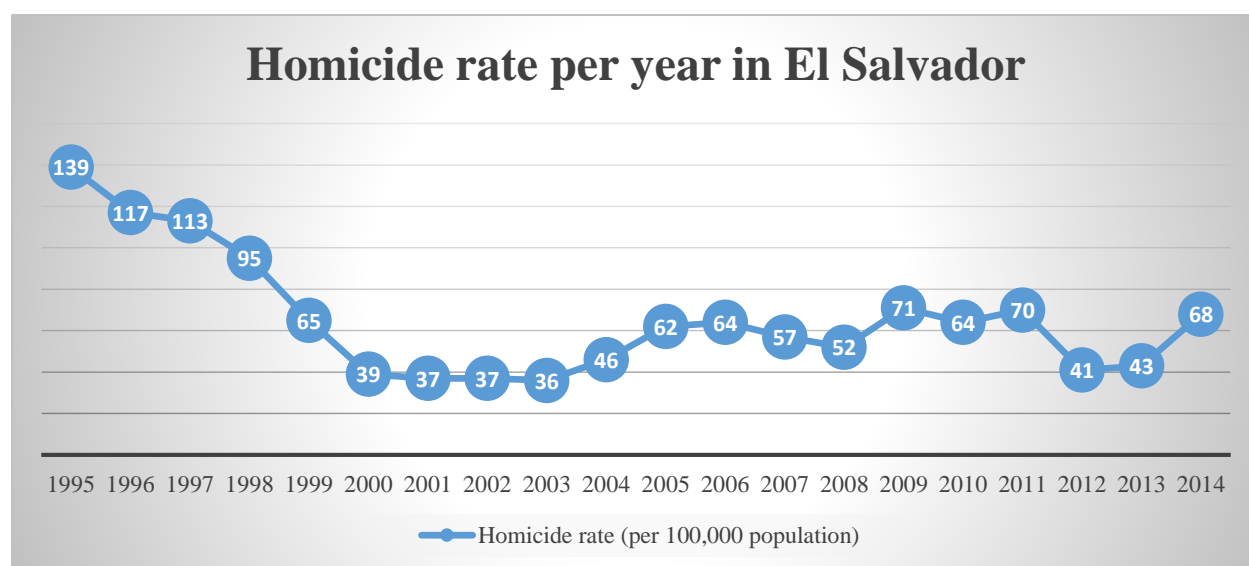
Today, El Salvador is a crucial part of the transnational series of overlapping chains of actors and routes that international criminal organizations use to transport illicit products, personnel, weapons, money, and goods. The results are wide-ranging, and are part of the crisis of the rule of law and governance crippling the country (Farah, 2011, pp. 3-4). In 2013, El Salvador boasted the

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<sup>1</sup> The number of successful convictions and the number of crimes (homicide) reported to police on an annual basis.

lowest homicide rate in a decade with 43 murders per 100,000 population, a significant improvement since 1995, when it registered a rate of 139 (see Figure 5). Nevertheless, initial optimism gave way to growing concerns, when a new surge of gang-related violence erupted in 2014, with homicide figures up by 56 % (Reuters, 2014).

Figure 5. *Homicide rate per year in El Salvador, 1995-2014*



(The World Bank, 2015)

With El Salvador's brutal civil war ending in a negotiated settlement in 1992 after 12 years of internal strife and some 75,000 dead, it was widely hoped that it would signify the beginning of a new era of democracy, peace, and rule of law. There were many positive developments: the Marxist-led insurgents (*Farabundo Martí National Liberation Front- FMLN*) were demobilized and integrated into the political arena as a legitimate party, the size of the military shrank to its quarter, with approximately 17,000 serving today, a new police force was set up, composed of both the FMLN and government forces, and the traditional repressive security forces were disbanded (Farah, 2011, p. 3) .

The post-conflict surges of crime in El Salvador can be divided into two phases. The first occurred right after the peace accords and included both ex-military and ex-combatants from the war. Before the civil war, the country relied on authoritarian policies to ensure social control. However, in the midst of democratization and economic restructuring, the new regime had weak state capacity and

coercive capabilities, and lacked the necessary funds to perform social and health reforms. In the wake of this power vacuum, numerous former guerillas created their own criminal enterprises and narcotrafficking activities began to flourish (InSight Crime, 2015). In addition, despite the best efforts of the UN Observer Mission in the country (ONUSAL) large stocks of weapons left from the war found their way into the black market and ended up in the hands of civilians (Kingma, 1997, p. 7). With all of these factors compounded, the sharp increase in the years of 1994 and 1995 is attributed to the aftershocks of the civil war, which included political assassinations, personal vendettas, and other motivations. Since that spike, homicide rates declined sharply (Richani, 2010, p. 441).

The second phase of this turmoil came with the emergence of street gangs in the late 1990s, due to a United States policy repatriating offenders belonging to the various gangs of Los Angeles to their country of origin. The so-called *maras*, composed primarily of two gangs Barrio 18 and Mara Salvatrucha, have experienced exponential growth in their numbers and activity, which can mainly be attributed to poverty, lack of access to basic services, social marginalization, rapid and unplanned urbanization, and a climate of violence preceding their arrival to El Salvador (InSight Crime, 2015). During these years, the Salvadoran government also put the blame on the youth gangs for the prevalence of violence, and soon death squads (such as the *Sombra Negra* in the city of San Miguel) resurfaced and extrajudicial killings once again became prevalent as a way of dealing with undesirables during the mid-1990s (Wade, 2008, p. 26). After this period, death squads gradually disappeared from the crime map of El Salvador.

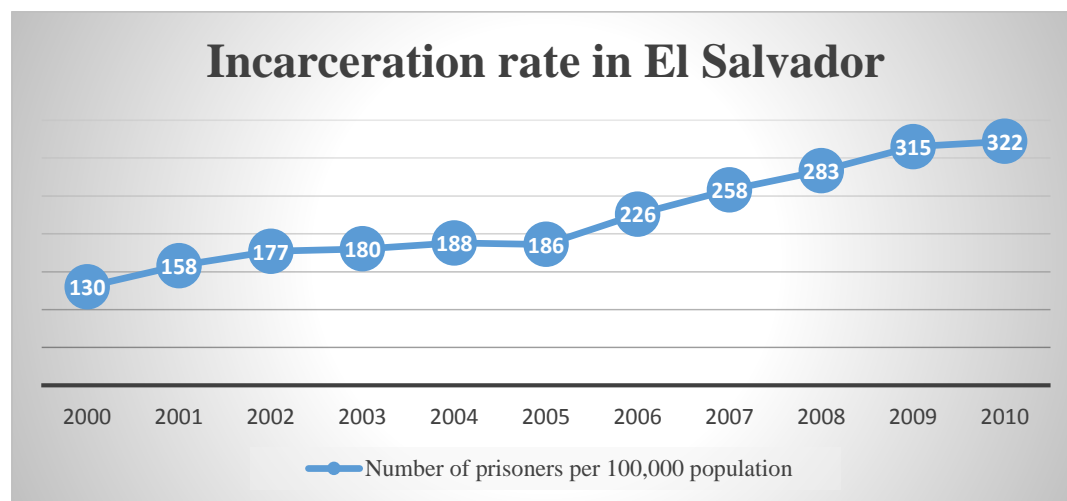
When Francisco Flores Perez was elected in 1999 to the presidential seat, he made the unrealistic vow to reduce violent crime by 50%. At the expense of human rights and democratic norms, Perez' approach was a backslide into authoritarian tendencies, as he expanded the arrest powers of the police and by passing a law in 2002 granted a renewed role for the military in the internal security matters of the country (Wilkerson, 2008, p. 39).

Overall, the preferred tactic of the Salvadoran government since 2003 has been the so-called *mano dura*, or iron fist, an anti-crime strategy which instead of coexistence or disruption relies on the confrontation and elimination of criminal groups. Included in this plan was the controversial and internationally criticized measure that allowed police to arrest suspected gang members on the basis of their physical appearance. Despite being very popular with the public, the Salvadoran

government failed to actually reduce rates of violent crime, and registered a significant climb in the number of intentional homicides by the mid-2000s (Malone & Malone-Rowe, 2014, p. 70).

In light of the failure of *Plan Mano Dura* to curb rising murder rates, 2004 saw the unveiling of a new anti-gang strategy the *Super Mano Dura*, which once again proved to be very popular among the population weary of insecurity. The package included the stiffening of penalty for gang membership and leadership, and allowed the convictions of minors under 12 years of age (Ribando, 2005, p. 3). Most youth arrested under the *mano dura* provisions have been subsequently released due to lack of evidence (10,000 out of 14,000 suspected gang members arrested in 2005 were later released) (Seelke, 2009, p. 10). It can also be argued that instead of reducing crime, the overpopulated prisons filled with new detainees as a result of the firm hand policies, served as suitable recruitment grounds for criminal gangs. El Salvador's prison population increased by 184 percent between 2000 and 2009 (see Figure 6). According to Minister of Justice and Public Security Benito Lara, by the end of 2014 the country's prisons were 325 percent over capacity, posing both human rights issues and security risks (Gagne, 2014).

Figure 6. *Number of prisoners per 100,000 population in El Salvador, 2000-2010*



(UNODC, 2012, p. 13)

When Salvadoran president Mauricio Funes took office in 2009, he pledged to tackle crime in all its forms by leaving behind the repressive anti-crime strategies of his predecessors, instead implementing a comprehensive approach combining social prevention, law enforcement,



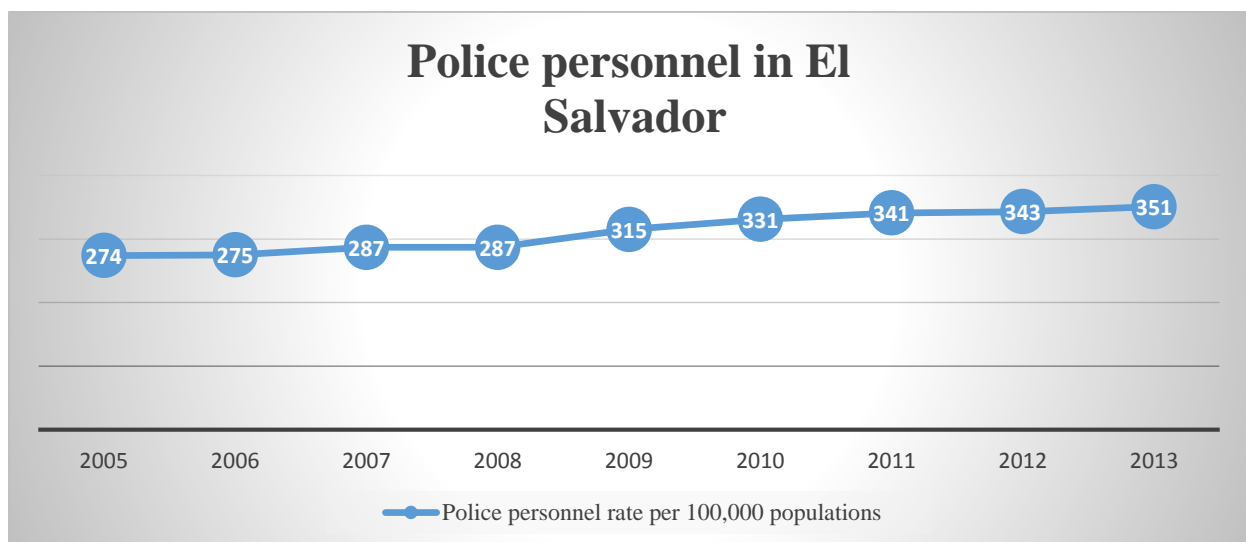
rehabilitation, victim support, and institutional reforms. However, the next year saw the abandonment of earlier promises, with the President declaring:

“We know that in the long term the policies of social inclusion and prevention will deliver results, but in the short term the violence is being fought with repression. And this is what the government has been doing and will continue to do.”

(Wolf, 2010)

As *Figure 7* shows, there has been a steady rise in the number of police officers as well in the country. However, the National Civil Police’s (PNC) performance has been reportedly plagued by corruption, limited funding available for investing in training and equipment, weak investigatory capacity, and an inability to prosecute officers accused of corruption and human rights abuses (Seelke, 2015, p. 9). Public demand for the swift reduction of crime and media coverage alleging the government’s incompetence led President Funes on a mission to re-militarize to some extent the country’s police force by appointing ex-combatants from El Salvador’s civil war to high-ranking positions in the PNC and by authorizing a six-month army deployment to the 19 most crime-ridden communities. In 2010, the army’s mandate was extended for one more year, and its deployment was expanded to 29 areas (Beltran, 2011). Nevertheless, the swift return to a state-security approach to address crime has not led to any marked reduction in homicide between 2009 and 2011.

Figure 7. *Number of police personnel per 100,000 in El Salvador, 2005-2013*



(UNODC, 2015)

In the Salvadoran justice system, marred by corruption, inefficiency, insufficient resources and political power conflicts, few arrests made by the national police are successfully prosecuted. In 2010, the conviction rate for homicide, which in 1978 was 25% and 13% by 1985, was a mere 5% (Seelke, 2015, p. 10). Back in 2006 only 39 out of 100,000 prosecutions ended in convictions (for comparison, in Europe it was 973).

In 2012, the country's two largest gangs-the Mara Salvatrucha (MS-13) and the Eighteenth Street (M-18) agreed to implement a cease-fire, negotiated between their imprisoned leaders. The truce was mediated by catholic bishop and former guerilla commander. Despite vocal criticism and questions raised about the transparency of the truce, El Salvador registered a dramatic drop of murders from an average of 14 to between 5 and 6 (Roasales, 2014). It is important to mention that the truce was focused on gang-related homicide and did not require gangs to halt other criminal activities (incidents of extortion were reduced by 10 percent but remained at an exorbitantly high level, while the number of rapes committed actually increased) (Thale, Bateman, & Goerdts, 2013).

In spite of growing hopes regarding the security of the Salvadoran people, growing homicide figures in 2014 led the National Civil Police (PNC) to declare that the country's 2012 truce was technically finished. With fighting reignited mainly between security forces and criminal gangs, March 2015 registered more homicides (16 murders a day) than in any other month over the past 10 years (Gagne, 2015).

Prior to the truce, the debate about gang activity centered around how aggressively they should be repressed. However, the gang truce opened discussion about the nature of such criminal organizations and how to integrate them into the Salvadoran life, debating about the need to establish effective prevention and rehabilitation programs (Dudley, 2013). Over the past ten years gang rehabilitation specialists, government officials, social workers, and church officials have been studying the phenomenon of gangs in order to develop effective gang rehabilitation programs that will lead to successful reintegration. As evidenced earlier, the majority of citizens in El Salvador are still supporting repressive rather than rehabilitative approaches for working with gang members.

Despite heavy reliance on police forces and the military to reduce crime in the most affected areas, the Salvadoran government has also undertaken strategies aimed at prevention and rehabilitation. "Mano Amiga" (Friendly Hand) and "Mano Extendida" (Extended Hand) were designed in 2005,

with the former aiming at keeping youths from joining gangs, leaving school, or becoming drug users, while the latter's purpose was to provide rehabilitation assistance to former gang members. Nevertheless, these two plans have been seen only as complementary measures and were underfunded, receiving only 20 percent of government funding available for combatting gangs, while law enforcement agencies obtained a large share of the funding (Law Library of Congress, 2012, p. 4). These second-generation interventions were more rhetorical than practical in nature, often limited to the level of discourse (Jütersonke, Muggah, & Rodgers, 2009, p. 2). In reality, it is politically more practical and less expensive to incarcerate gang members than to work on their rehabilitation or to implement interventional measures that require long term commitment and resources.

The government of President Carlos Funes (2009-2014) moved toward more socially minded models. It launched the *Yo Cambio* (I Can Change) program which provides social integration options outside penitentiary walls (Inter-American Development Bank, 2012). As part of the program, members of criminal gangs (200 from Barrio 18 street gang and 400 from Mara Salvatrucha gang) started working on prison farms, learning vocational skills like tailoring, farming, and construction work (Gagne, 2014). Co-funded by the Inter-American Development Bank, these rehabilitative farms aim to provide work and subsistence to gang members who voiced their concerns about the rate of unemployment and lack of opportunities in the aftermath of the 2012 gang truce. Unfortunately, the skills learned may prove irrelevant to current market needs in El Salvador which demand computer, customer service and greater entrepreneurship skills (McAnarney, 2013).

At the time of the writing of this project, the United States was the most active in supporting crime prevention programs in El Salvador (others include the European Union, the United Nations Development Programme, the Inter-American Development Bank, and the World Bank). As part of the U.S. Government's Central America Regional Security Initiative (CARSI), the U.S. Agency for International Development (USAID) has designed and implemented a set of programs to improve citizen security in Central America by strengthening community capacity to combat crime and by creating educational and employment opportunities for at-risk youth (Berk-Seligson, Orcés, Pizzolitto, Selgison, & Wilson, 2014, p. 11). An impact evaluation in the municipalities (Chalchuapa, San Juan Opico, Santa Ana, and Zaragoza) where the USAID conducted community-

based crime prevention programs from 2010 onwards, released in 2014 yielded the following results:

Table 2. *Trends and Percentage Change Attributable to the Community-based Crime Prevention Program by 2014*

<b>Reported Robberies</b>	▼	25 %
<b>Reported Sale of Illegal Drugs</b>	▼	36 %
<b>Reported Extortion</b>	▼	52 %
<b>Reported Murders</b>	▼	40 %
<b>Perception of Insecurity</b>	▼	17 %
<b>Gang Fights as a Problem</b>	▼	12 %
<b>Community is Organized to Fight Crime</b>	▲	18 %
<b>Satisfaction with Police Performance</b>	▲	11 %
<b>Interpersonal Trust</b>	▲	11 %
<b>Satisfaction with Democracy</b>	▲	8 %

(Berk-Seligson, Orcés, Pizzolitto, Selgison, & Wilson, 2014, pp. 27-28)

With regard to the countries analyzed by the report (Guatemala, Honduras, El Salvador, Panama), El Salvador saw the most change with an 18 % increase in perceived levels of community action to reduce crime. USAID supports a comprehensive approach to crime and violence prevention through providing educational opportunities for marginalized, at-risk children, the establishment of municipal crime prevention councils and the expansion of community policing (USAID, 2014).

In the past, Community policing (CP) in El Salvador was limited and uncoordinated. In one case a collaborative effort started by the National Public Security Council in 1998 with specific groups collapsed after civil organizations withdrew after the appointment of a new police chief with alleged paramilitary ties (Brogden & Nijhar, 2013, p. 182). By 2011, the only towns in which police forces are already implementing CP in their work are those with the international donor support of the UNDP or USAID. The Salvadoran Government together with the support of USAID began implementing the Community-Based Crime and Violence Prevention Project in 2008 which

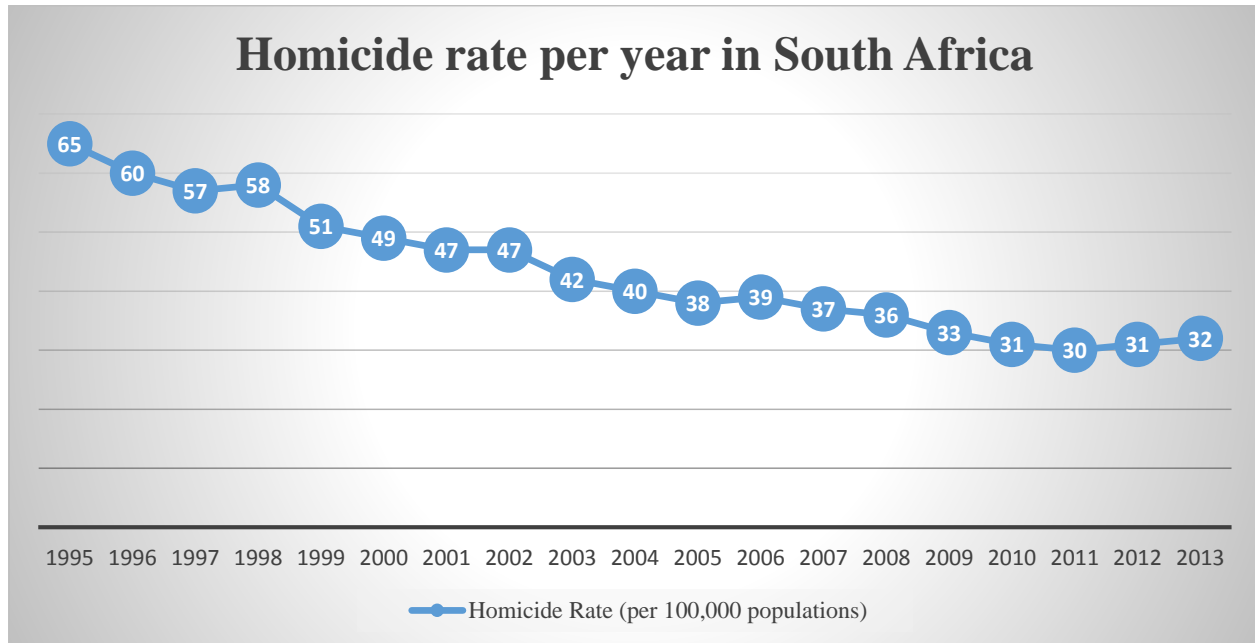
had six components with direct CP element: a training program for mid-level police officers, a citizen perception survey carried out in areas where such programs were implemented, at-risk population and institutional strengthening in 12 municipalities, the creation of municipal crime observatories in 12 municipalities, creation of 18 outreach centers in 3 municipalities, and a program which saw the training of 170 staff members of municipal violence prevention councils. These measures were successful in facilitating trust between authorities and civilians. In Nahuizalco, the perception of police improved from 4.7 to 6.3 (scale of 10) (Martin, 2011, pp. 20-23).

To sum up, since 2009 there has been a gradual turn to the recognition by the Salvadoran government that anti-crime measures which focus only on repressive punitive actions may not yield the necessary results. As such, preventive and rehabilitative policies have gained more ground, although in reality their territorial reach is still quite limited and their results remain debated. Most importantly, there seems to be more dialogue between the various stakeholders, a development which manifested in the new citizen security plan of El Salvador, *Plan El Salvador Seguro* (Plan for a Safe El Salvador), proposed by the *National Council on Citizen Security and Coexistence* in 2015, a cross-sector advisory group arranged by the President and facilitated by the United Nations. The plan constitutes one of the biggest domestic security investment in El Salvador at \$21 billion dollars over five years with 74% of the funds going towards programs of job creation and violence prevention.

## **4.2. Crime and Responses in South Africa**

Crime and violence have plagued South Africa's transformation for the past 20 years since the dissolution of the apartheid system. High crime rates have spawned widespread feelings of insecurity and undermined the popular trust in the viability of the process of democratization. South Africans have constant exposure to violence and crime, both through direct victimization and daily extensive reports from the media, fueling increased fear of crime and perceptions of increased vulnerability. South Africa registered a murder rate of 65 per 100,000 populations in 1995, the year after Nelson Mandela became president of the country- twice the amount registered in 2013 (11<sup>th</sup> globally) (see *Figure 8*). Nevertheless, public perceptions about crime and safety have not reflected this change.

Figure 8. *Homicide rate per year in South Africa, 1995-2013*



(The World Bank, 2015)

To understand the context for violence and crime in South Africa, and in particular the South Africans' attitudes to law, policing, and the criminal justice system, one needs to examine the recent history of the country. The most significant characteristic of the country's transition from a racially segregated apartheid to democracy has been the peaceful political transformation in the form of negotiations instead of a bloody revolution. But for many of the country's citizens it is violence and crime which have been the dominant features of the transformation process over the past two decades. Crimes have been perpetrated by the state in varying degrees, liberation forces, political organizations, and ordinary citizens, suggesting that the endemic use of violence is often the default strategy to achieve both political and personal aims (Louw, 1997, pp. 137-138).

South Africa is often referred to as a post-conflict country, and endemic crime pervading the country seems to be consistent with the experiences of many states (such as Eastern European ones) undergoing transition to democracy: as political change proceeds, society and its instruments of control undergo a series of transformations as well, resulting in new avenues for crime to develop, also bolstered by legacies of the past. The transition brought a weak and coercive criminal justice system with itself which was not ready to face the challenges. Due to memories of its apartheid past, its institutions were publicly perceived as tools of the minority to impose its rule

over a large majority, instead of providing security for all. Moreover, during the 1990s the state security apparatus was too underfunded and unskilled to deliver conventional policing tasks effectively (Shaw, 1997, pp. 1-2).

However, it would be a gross oversimplification to trace back South Africa's high crime rates today to the country's transition or even to the struggles of the apartheid era. An historical examination of townships<sup>2</sup> reveals that decades of economic and social deprivation, compounded by repressive policing, predatoriness of criminal nature and corresponding vigilantism, produced a climate where violence became a normative means to resolve conflicts. In contrast with communities of fortune-seekers attracted by the golden deposits of South Africa, the densely-populated, impoverished and ethnically diverse black settlements received very limited policing. In the absence of social control, African gangsters and youth gangs thrived, while communities targeted by them responded by vigilante tactics to protect themselves. Numerous cases testify that several of these protective agencies developed authoritarian tendencies and deteriorated into criminal organizations. The South African Police Service (SAPS) contributed to endemic violence by conducting punitive raids which often resulted in popular riots. This climate persisted during the 80s where the great bulk of the violence experienced was seen as politically motivated, although numerous instances of crimes were economically motivated, embedded into the structures of violence of that period. As Kynoch (2005, p. 498) poignantly reasserts: "This intersection of punitive policing, criminal gangs and vigilantism gave rise to the culture of violence that haunts contemporary South Africa".

Despite the recent history of South Africa, whites do not suffer the highest victimization rates in the country, rather it is the poor who suffer from the highest number of violent crimes. While citizens fear violent crimes committed by strangers, they are more likely to be victimized in their homes, by people they know. At the same time, criminals are more often found in the ranks of the expanding criminal organizations in urban centers (Shaw & Gastrow, 2001, p. 236).

It is not the scope of this paper to delve deep into the causes of crime; however it is important to identify risk factors that contribute to high levels of crime and violence in South Africa. These can be grouped under four categories: adverse socio-economic factors (inequality, poverty, high rates

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<sup>2</sup> Suburbs or cities predominantly inhabited by black people.

of urbanization, poor housing), attitudes to crime and violence ('culture of violence', poor socialization), the presence of facilitating factors (alcohol, drug abuse, availability of guns), and weak regulatory systems (weaknesses in the criminal justice system, as well as other areas of government) (Louw, 2007, pp. 243-244).

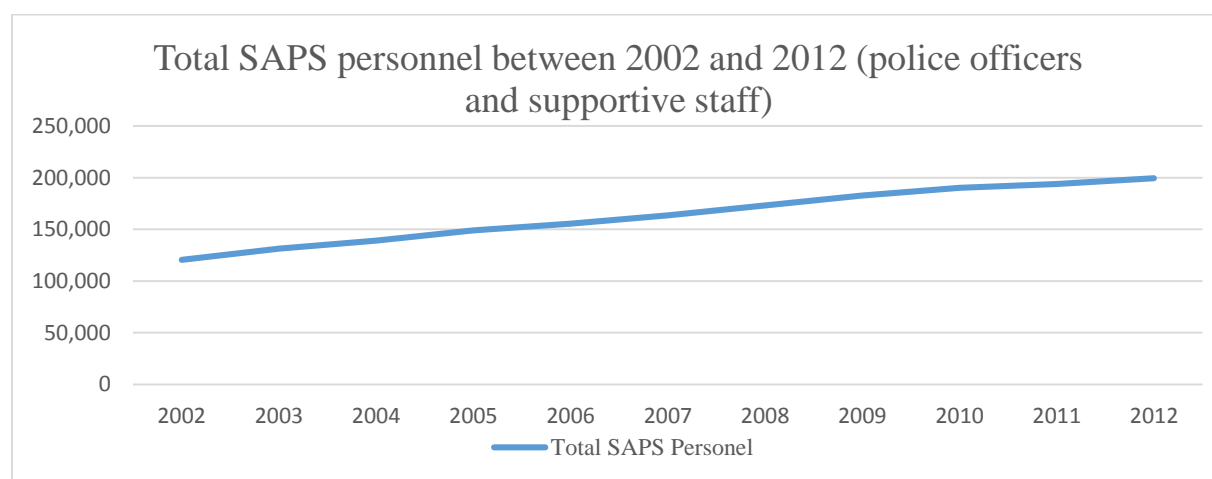
From the outset, there has been an extensive debate about South African crime policy, involving a basic philosophical tension on the best approach to crime: law enforcement or crime prevention. On a strategic level, South Africa's approach to reduce crime has been governed by the National Crime Prevention Strategy (NCPS) of 1996 and the Integrated Social Crime Prevention Strategy (ISCPS) of 2012. The NCPS, composed largely by civilian officials, was the first national strategy in the new democratic South Africa that approached crime reduction in a developmental manner, promoting an inter-sectoral perspective. At the peak of its relevance, the NCPS was articulated as one of the six pillars of the country's National Growth and Development Strategy (Leggett, 2005, pp. 593-594). However, despite the obvious effort to integrate crime prevention into an overarching socio-economic development approach, the actual content of the NCPS was found to be too vague and did not possess dedicated government funding for its implementation, rather the various departments were encouraged to rationalize existing resources and allocate them to NCPS programs.

Suffering from these shortfalls, the NCPS was supplemented by the The National Crime Combating Strategy (NCCS) in 1999. Drafted by the South African Police Service (SAPS), the NCCS quickly became the *de facto* operational strategy on the ground to combat crime. Just by comparing the titles of these two policies, it is clear that the NCCS, with its military undertones in its name, signifies the theoretical departure of the government (new administration in 1999) from long-term goals of breaking the cycle of violence to get tough on crime with the tools of law enforcement in order to achieve speedy, short-term reductions in crime hot-spots throughout the country, as identified by the SAPS. Government budgetary changes reflect these developments: the budget of the Department of Correctional Services grew at 3.2% per year and the SAPS budget at 1.8% per year during the 2000-2004 period (Rauch, 2005, pp. 22-24). Due to the focus on law enforcement, subsequent years saw a big gap in South Africa's crime prevention efforts in the area of social development, and in particular, plans aimed at children and youth (du Plessis & Louw, 2005, pp. 439-440).



This considerable emphasis on the criminal justice approach is also reflected in the substantial increase of the size of the SAPS from around 120,000 in 2002 to close to 200,000 by 2012 (see *Figure 5*). In the post-1994 period, crime, particularly violent crime, was at high levels prompting the general populace to put growing pressure on the government to improve its response to the problem and provide a higher degree of police visibility. Given that public funds were available, a process of en masse recruitment has been implemented since 2002 (see *Figure 9*), bolstering the number of those serving in SAPS by more than 50 percent (Bruce, 2013, pp. 17-18). This resulted in a police officer to population ratio of 1:323, well under the rate of 1:400, recommended by the UN (Newham & Lancaster, 2012).

Figure 9. *Number of SAPS personnel in South Africa, 2002-2012*

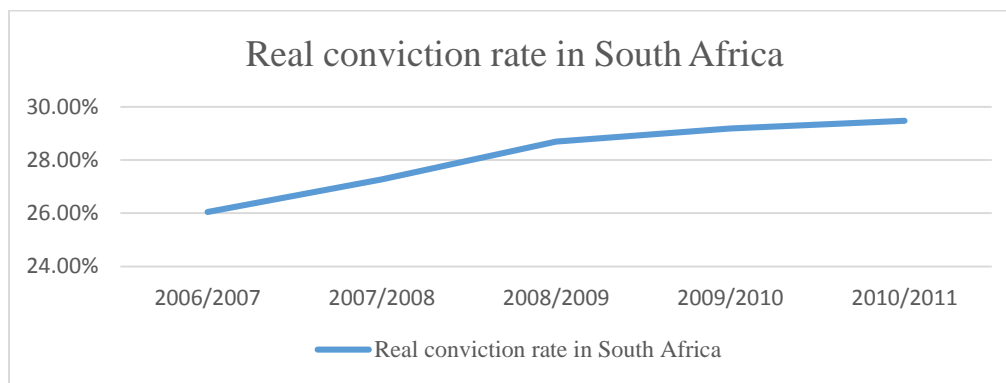


(Bruce, 2013, p. 19)

The results of this increase have been subject to controversy. The downward trend in the rate of homicide had started well before the mass recruitment commenced. In 1994, SAPS personnel numbered 140,000 employees, while in the next few years it was reduced to 120,000. Interestingly, homicide declined by 10 percent despite 20,000 fewer police personnel. In addition, during the five year period between 2004 and 2009, residential and business robberies increased by 51 % and 295% respectively. Despite ongoing augmentations of police personnel, total crime rates also increased between 2007 and 2009 (Newham & Lancaster, 2012).

Regarding the performance of the judiciary in South Africa, data released by the Department of Presidency in 2012 reveals a gross distortion of conviction rates in Courts. According to this report, the National Prosecuting Authority's (NPA) conviction figures stood at an impressive 88%. The NPA defines the conviction rate as "percentage of cases finalized with a guilty verdict divided by the number of cases finalized with a verdict" (Rademeyer, 2013). This definition does not reflect the number of successful prosecutions in relation to the total number of crimes reported. On the other hand, the real conviction rate in the fiscal year of 2010/2011 was close to 30%. Despite this misrepresentation, conviction rate in South Africa showed a steady improvement between 2006 and 2011 (see *Figure 10*).

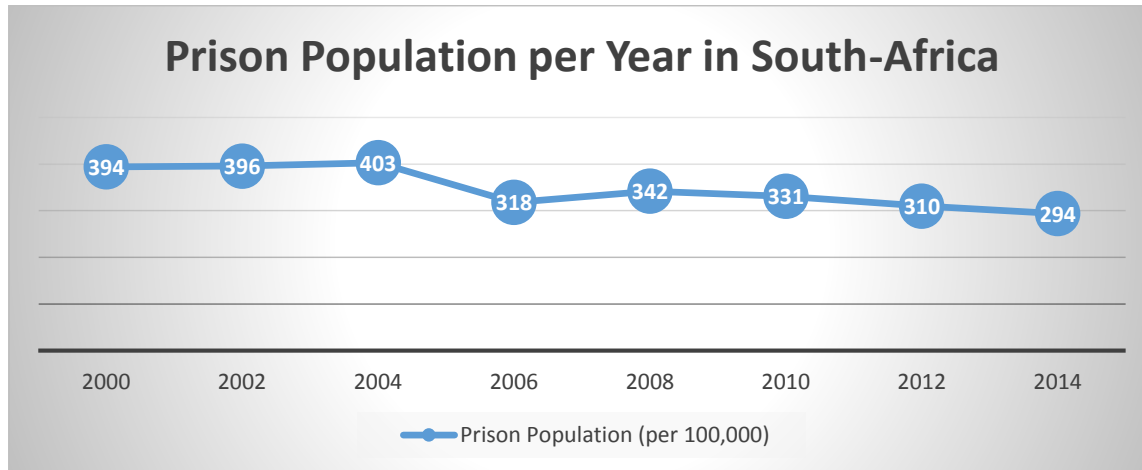
Figure 10. *Real conviction rate in South Africa, 2006-2011*



(Schaffer, 2013)

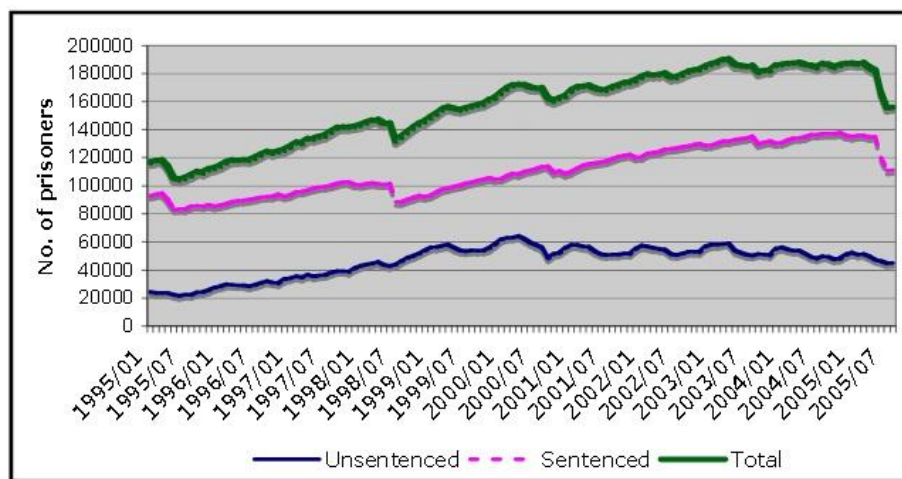
With regards to the South African criminal justice system's capability of incapacitation, *Figure 12* exhibits a gradually growing prison population which is statistically in line with the gradual decline of homicide in the country. More recently several measures were put in place to reduce the overcrowding of African prisons and detention centers which decreased the number of prisoners to 294 per 100,000 people by 2014 (see *Figure 11*), such as the granting of special remissions of sentences of non-violent convicts in 2005 and 2012. The government's professed intention with these remissions is to provide offenders with rehabilitative interventions and a second chance to become responsible citizens.

Figure 11. *Incarceration rate in South Africa (per 100,000 populations), 2000-2014*



(International Centre for Prison Studies, 2014)

Figure 12. *Total prisoners in custody in South Africa, 1995-2005*



(Giffard & Muntingh, 2006)

Despite large investments in technology and training of the SAPS, researches highlighted the need for the police to improve communication with communities regarding the process to be followed when reporting cases. Community policing was introduced to the SAPS in 1994 as a much-needed approach to establish active partnerships between the police and public through which crime and safety issues can be addressed. As the SAPS Annual Report 2005/2006 (2006, pp. 50, 51) states, these partnerships have been structured by means of Community Policing Forums (CPF). Community policing (CP) in the country was attempted to be set up against the backdrop of uneven

distribution of traditional police services to the detriment of largely black-inhabited townships and informal settlements (Minnaar, 2009, p. 23), and given the repressive political role of the South African police during the apartheid, citizens viewed it more like a measure to ensure accountability and oversight than as a strategy to improve crime-fighting measures.

The first five years of the implementation of CP was characterized by limited operationality, misconceptions, confusion, lack of qualified personnel and resistance to it. According to Pelsier (2002, p. 6), around the turn of the millennium CP implementation was focused almost entirely on the establishment and functions of CPFs which had very little public reach. In the following years CP was gradually abandoned for other policies of law enforcement. So far, CP has only been accepted as a wider philosophical outline without real public implementation and participation in its envisaged form, and had little or no positive impact on the reduction of crime.

Prison overcrowding is still a significant problem in South Africa, a country which shows high recidivism rates. Regarding the rehabilitation of offenders, the Correctional Services Act of 1998 stipulates that the main purpose of the correctional system in South Africa is to “promote the social responsibility and human development of all prisoners and person subject to community corrections”<sup>3</sup>. Nevertheless it is the White Paper on Corrections in South Africa of 2005 that outlined a 20-year vision according to which rehabilitation forms the basis of all activities in correctional facilities. It is important to point out that unsentenced prisoners awaiting trial are not mentioned in the Paper, and very few, if any civil organizations provide developmental services to them. Prisons are required by law to offer basic education and training programs to inmates. However, in 2003 only 5 percent of the South African prison population was involved in such programs. At the time the involvement of prisoners in vocational skills trainings was also low, benefiting only 9% of them. South Africa has also committed to provide needs-based psychological services to prisoners; however, in 2006 the ratio of psychologist to prisoner was one to 4,602 while that of social workers was one to 342 (Dissel, 2008, pp. 162-168).

Since 2003, the South African rehabilitation system has improved in almost all of its indicators. According to a report by the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), a non-profit organization, released in 2014, an average of 12% of offenders

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<sup>3</sup> Section 2(c) of the Correctional Services Act 111 of 1998.

accessed psychological services between 2009 and 2013, while 20% accessed formal education. Attendance to daily production workshops and agricultural work, however, has remained very low, at 2% and 3% respectively. Fortunately, the number of psychologists and social workers grew to one per 1565 inmates for the former and one to 208 for the latter by 2012-2013 (NICRO, 2014, pp. 13-17). Despite of these successes, individual treatment of offenders is still not the norm, although both government papers mentioned above stress the need and importance of it. Instead a 'one size fits all' approach is often pursued by South African correctional facilities (Herbig & Hesselink, 2012, p. 34).

Close to ten percent of the national budget of South Africa is dedicated to various elements of the criminal justice system, but very little is spent to tackle the specific problem of violence. Meanwhile, it is quite apparent that violence is pervasive in South African society, and is widely accepted and defended as an essential tool for dealing with a plethora of problems and social situations. A good example of this "culture of violence" is the widespread rejection by political and religious group 2007's Children's Act Amendment 41 which would have prohibited the right to hit children by their own parents (Collins, 2013, pp. 31, 33). Young people, having brought up in this environment of violence, are particularly susceptible to it, both as offenders and perpetrators. A 2005 survey on victimization showed that young people suffer eight times more instances of assault than the adult population, while 43% of young offenders reported that they had committed their first criminal act between the ages of 10-15 (Centre for Justice and Crime Prevention, 2008, pp. 2, 11). Data published by Department for Correctional Services (DCS) shows that in 2010, there were around 56,000 youth between the age of 18 and 25 incarcerated nationally, comprising 34% of the entire prison population (The World Bank, 2012, p. 9).

There is very little in state legislation that addresses the problem of youth violence, and is virtually non-existent when it comes to the young adult population. Similarly, government initiatives regarding the problem of youth violence have been limited, focusing only on economic empowerment of youth and offender-related programs, while there is little emphasis on creating supportive after-school programs and supporting young people who experienced victimization (The World Bank, 2012, p. 29). The National Youth Service Programme (NYS), a government program launched in 2004, has offered opportunities for young people between the ages of 18 and 35 through accredited learning and skills development, community services and exit opportunities.

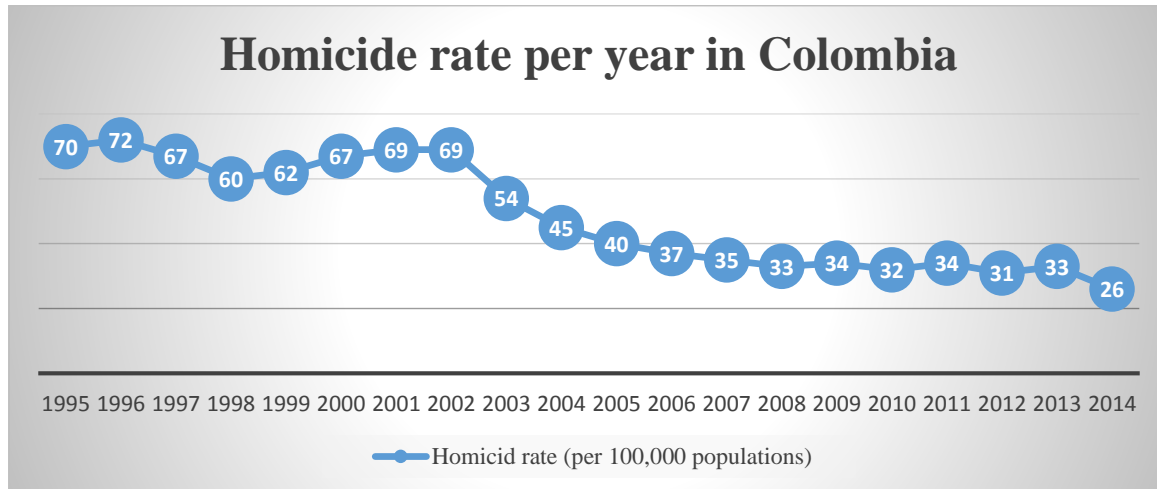
In 2006, there were an average 100 young people in a typical NYS project; by 2009, these had an average of 300 participants, while the number of government departments implementing it also grew from four to fifteen at various administrative levels. Between 2004 and 2009 this program benefited more than 100,000 unemployed, unskilled, and out of school young South Africans, and over 33% of them accessed exit opportunities (NgoPulse, 2009). The National Youth Development Agency also established the National Rural Youth Service Corps specifically to develop young people in rural areas. It started out with 7,900 participants, while by 2014 their ranks swelled to 14,000.

The National Youth Policy for 2009-2014, implemented by the government, private, sector and civil society, focused on four areas of intervention: education, health and well-being, economic participation and social cohesion. Higher education and further education intake has improved in particular there has been apparent progress in enrollment in technical and mid-level skills programs, such as artisanship.

### **4.3. Crime and Responses in Colombia**

In 1991, Medellín, Colombia's second largest city witnessed a murder rate of 380 per 100,000 people. Once home to one of the world's most violent drug cartel, led by the notorious Pablo Escobar, the city's homicide rate has since fallen by 80%. Medellín's change also reflects that of Colombia, having achieved a significant drop in violence, from a rate of 70 in 1995 to 26 in 2014. The country has been successful in dismantling some of the most powerful criminal organizations in the world, such as the Cali and *Norte del Valle* cartels, significantly reduced illegal crop production, and has achieved victory over Marxist guerillas which threatened the survival of the state through both military operations and negotiations.

Figure 13. *Homicide rate per year in Colombia, 1995-2014*

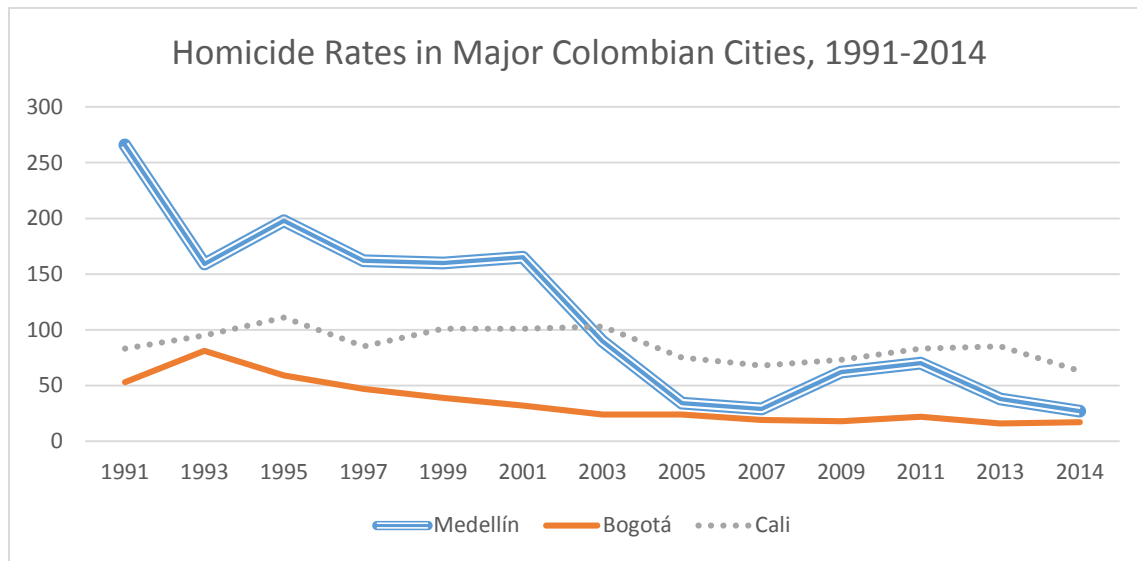


(The World Bank, 2015)

During the second half of the 20<sup>th</sup> century and continuing after the turn of the millennia, Colombia has been marred by a low-intensity armed struggle between the central government and two Marxist-Leninist guerilla movements, the well-known *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (Revolutionary Armed Forces of Colombia—People's Army-FARC) and the smaller *Ejército de Liberación Nacional* (National Liberation Army- ELN), supplemented by right-wing paramilitary groups and smaller drug trafficking organizations, such as the *Rastrojos*, ERPAC, the *Paisas*, the *Oficina de Envigado*, and the *Urabeños*. These groups fight against each other for control over various parts of rural and urban Colombia, a major point for the production, storage and embarkation point for illicit drugs and other contraband (In SightCrime, 2015). However, since the implementation of the Democratic Security Policy (DSP)<sup>4</sup>, supported by the United States, under the two presidential mandates of Álvaro Uribe, the security indicators of Colombia have greatly improved: violence has decreased significantly, the government regained much of the territory it had lost previously, more than 25,000 members of the FARC and ELN groups were demobilized (Mercado, 2013), alongside several paramilitary groups, and the central government's capacity has been strengthened (Llorente, McDermott, Manaut, & Bailey, 2014, pp. 4-6)

<sup>4</sup> The DSP had two parallel agendas: a peace process with right-wind paramilitary structures, and the implementation of counterinsurgency and counter-narcotics policies.

Figure 14. *Homicide Rates in Major Colombian Cities, 1991-2014*



(Gagne, 2015)

As it is estimated that 82 percent of Colombia's crime occurs in its major cities. Thus, this subchapter focuses on urban violence (primarily in the three largest cities: Bogotá, Medellín and Cali) in Colombia and policies to reduce them. However, in Colombia, a country undergoing social and political transition, the line between organized political violence and organized crime in urban areas is increasingly blurry. In the wake of the DSP, Colombia saw the phenomenon of formerly armed groups changing their status to organized crime networks in the form of *Bandas Criminales Emergentes* (BACRIM). These gangs consist of some former members of right-wing paramilitary groups demobilized between 2003 and 2006, and are allegedly responsible for the rising of violence after 2007, like the doubling of the homicide rate in the city of Medellín (*Figure 14*) (The World Bank, 2011, p. 25). Between 2003 and 2006, 30,000 members of the *Autodefensas Unidas de Colombia* (United Self-Defense Forces of Colombia-AUC) were demobilized and taken part in the *Justice and Peace Law*, a flawed and controversial amnesty program seeking to mix restorative justice with transnational justice, through which paramilitary leaders were guaranteed not to serve time. These combatants, often perpetrators of human rights abuses, now joined the ranks of emerging urban criminal organizations.



The reasons for Colombia's high crime rate is undoubtedly complex. First of all, the drug trade and the struggle for the effective control of it by criminal organizations has been linked to heightened levels of violence. Secondly, the Colombian state had a poor institutional organization and low enforcement capability even before the emergence of rebel forces and drug cartels. In addition, the Colombian judicial system has been described as arbitrary, inefficient, and politicized, with rampant corruption within the ranks of police and judiciary (Holmes, de Pineres, & Curtin, 2008, p. 146). Moreover, Colombia suffers from a culture of distrust, where suspicion is the norm and protest is seen as unpatriotic (Holmes, de Pineres, & Curtin, 2008, p. 151). Interestingly, no study has shown conclusive evidence that poverty or income inequality can explain Colombia's high crime rate.

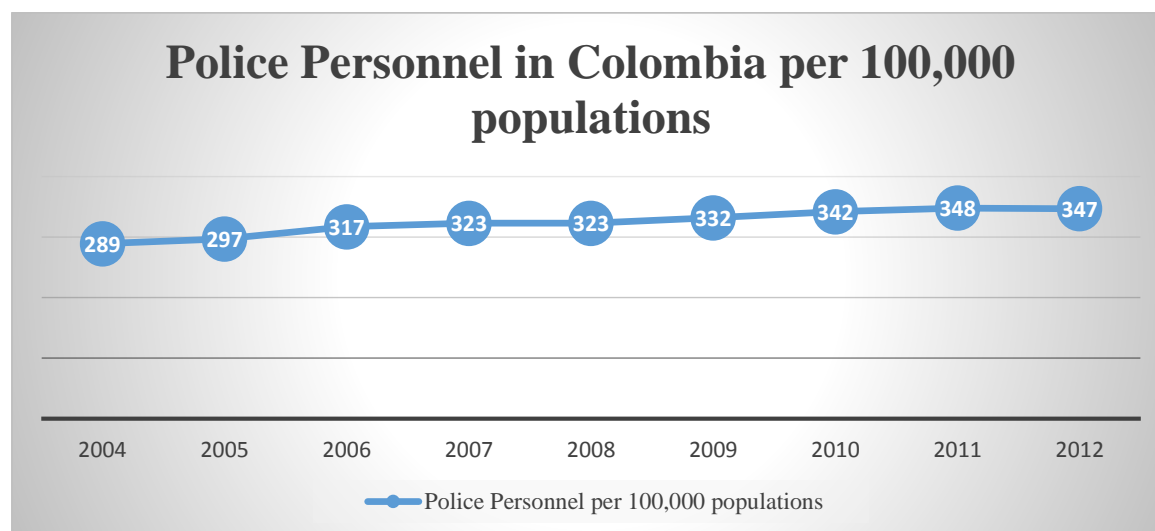
Initial reductions in the high homicide rate in Colombia can be attributed to a large operation against the Medellín cartel by the police and the United States' Drug Enforcement Administration, in alliance with a lethal group of paramilitary assassins and the notorious Cali cartel. Afterwards, a great pressure from the United States on the Colombian government motivated President Ernesto Samper to go after the Cali cartel as well (Felbab-Brown, 2012). President Álvaro Uribe's (2002-2010) has implemented a series of security initiatives which were based on expanding the force and powers of military institutions, granting extraordinary powers to security forces. The bulk of Uribe's aggressive policy to reclaim control over parts of the country by increasing the number and capacity of troops and police took place in rural areas. (International Crisis Group, 2003, p. i.). Indicators of the conflict (decrease in the intensity of the conflict, decrease in homicides and political assassinations) reveal that the current situation compared with that of 2002 has improved significantly.

2003 also saw the insurgent groups expelled from the *Comuna 13* of Medellín city after the comprehensive offensive of *Operation Orion*, involving the police and military. However, instead of establishing effective state control in the neighborhood after the operation, paramilitaries took over. Seemingly, the reduction in homicides after the operation is not attributed to the government forces, but to the uncontested rule of the paramilitaries and the order of their leader to stop the violence in the area.

Uribe's aggressive strategy in security policy is also reflected in the growing public expenditure in the sector. 2009 saw the highest level of military expenditure as a percentage of GDP, that is,

4%. At the same time, there was also significant increase in the size of troops from 313,361 men in 2002 (203,238 in the Military Forces and 110,123 in the National Police) to 437,548 men in 2009 (285,189 in the Military Forces and 152,359 in the National Police) (CINEP, 2010, p. 7). The size of National Police grew from 289 per 100,000 populations in 2002 to 347 by 2012 (see *Figure 15*).

Figure 15. *Number of Police Personnel in Colombia, 2004-2012*



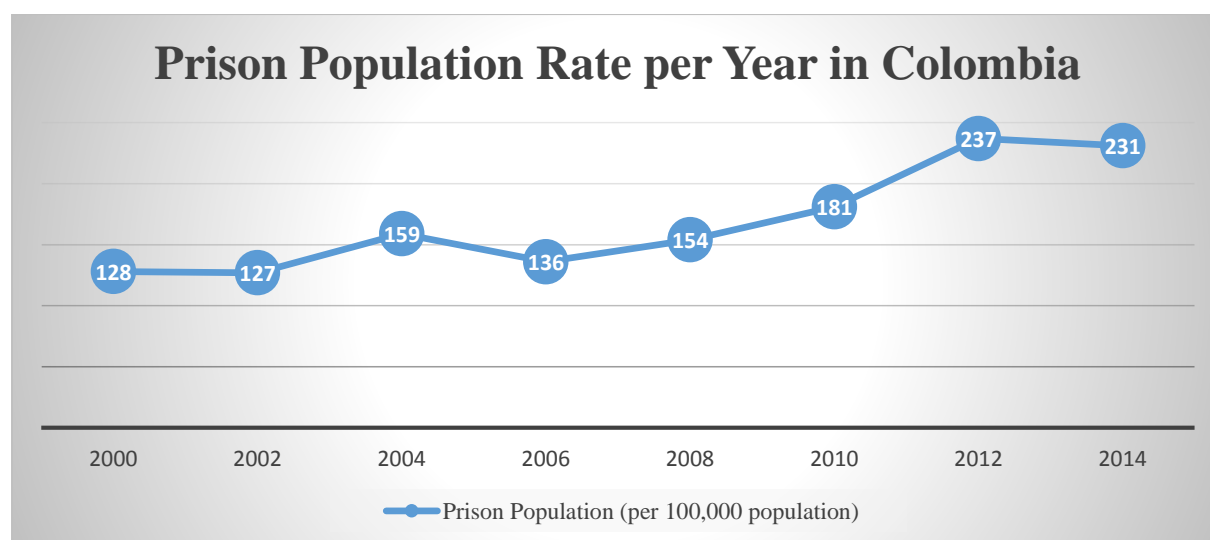
(UNODC, 2015)

As previously mentioned, the weakest link in Colombia's criminal justice system is its judiciary, characterized by rampant corruption and impunity. As mentioned in UNODC's *Global Study on Homicide*, the regionally high level of impunity can be attributed to the high intensity of homicide which is a drain on criminal justice resources. Police forces and judiciary do not have the capacity to carry out serious investigations or trials. According to the World Bank's *Doing Business Report* of 2012, Colombia ranked 178 out of 183 countries in judicial efficiency. Statistics on criminality showed that in 2008 the rate of impunity was 80%. In the case of homicide, the impunity rate is almost 100%. The Colombian judiciary was also ineffective in investigating and prosecuting grave human rights violations, such as extrajudicial killings and forced disappearances (Erazo, 2012, pp. 4-5).

Colombia's high impunity levels go hand in hand with its new penal code legislation in 2013 aimed at reducing prison overcrowding, which allowed prisoners who met certain conditions to petition

for early release. As *Figure 16* shows, prison population in the country's penitentiary system almost doubled between 2006 and 2012, leading to 60% overcrowding (an average of 17% during the 1990s) (Hernández & Dyner, 2000, p. 2), a significant number which was reduced only by a mere 4.6% due to the new legislation (Gurney, 2014). Failures related to insufficient resocialization programs, and poor management and security, can lead both to the flourishing of in-prison criminal gangs and higher rates of recidivism.

Figure 16. *Incarceration rate in Colombia (per 100,000 people), 2000-2014*



(International Centre for Prison Studies, 2014)

Colombia's 2012 Citizen Security Survey revealed that 61 percent of respondents felt their city was unsafe, showing that urban security is a big concern for the country's electorate (Gurney, 2014). With regards to it, Colombia, like many countries in the region, saw a considerable delegation of powers to municipalities through a process of decentralization, with mayors playing a key role in using innovative approaches to crime and violence prevention.

The reduction of violence in Medellín has been remarkably steep over the last 20 years, which reportedly exhibited a lower crime rate in 2014 than the national average. A great deal of crime reduction was facilitated between 1994 and 1999 in Medellín owing to a local-level peace initiative which involved extensive negotiations between several territorially-based armed gangs and militia, using former combatants and gang members as negotiators. The result was relative calm in the short term (Moser & Mcilwaine, 2006, p. 104). In the aftermath of Operation Orion, Medellín

mayors Sergio Fajardo and Alonso Salazar took advantage of greater security in the city, and introduced a series of developmental measures to reduce violence. Between 2003 and 2007, Mayor Fajardo's strategy was 'social urbanism', a plan to physically connect marginalized urban spaces replete with poverty and violence to city centers and neighborhoods. This was achieved through extending the public transportation system to slum areas, dramatically cutting down commuting times (Felbab-Brown, 2011, p. 14). Additionally, this period saw the building of several parks, numerous schools and libraries, together with auspicious buildings in the poorest neighborhoods. Although these developments had a significant impact on the image of the city and mentality of slum-dwellers, the exact impact of them on the reduction of violence is yet to be assessed. Mayor Alonso Salazar continued the aggressive efforts to increase the quality of education, inclusion and life in general, through prioritizing quality education through the secondary level. Citizen participation in community and municipal decision-making also played an important role. A survey conducted in 2007 showed a higher rate of satisfaction with their quality of life in *Popular* and *Santa Cruz* comunas than the city as a whole, despite having lower socio-economic indicators (Holmes & de Pineres, 2013).

After a spike in homicide between the years of 2008 and 2011, 2012 saw the reduction of violence in Medellín again, presumably owing to a truce between local crime syndicate *Oficina de Envigado* and neo-paramilitary group *Los Urabeños*. Since then authorities have also added an additional 2,000 police officers in Medellín, raising the rate of police officers to inhabitants from one officer per 1,348 inhabitants at the start of 2012 to one officer per every 518 inhabitants in 2014. Nevertheless, many argue that the reduction of homicide has nothing to do with government policies but rather brief periods of calm coincide with the resignation of struggles between the various criminal organizations (Cohen, 2013).

#### **4.3.1. Cali's DESEPAZ Program**

In 2014 Cali, Colombia's second most populous city, registered a 20% percent drop in homicide figures. There are several factors contributing to this result, among them a truce allegedly brokered between rival criminal groups in December 2013. However, another factor which had a long-term effect on the city's crime levels has been the crime prevention strategy of Mayor Rodrigo Guerrero of Cali (1992-1994, 2012-2015) who was a key agent in pioneering a health-based approach to

crime, using public health tools, such as epidemiological surveillance, behavioral modification and epidemiological surveillance.

With a population of 2.4 million, Cali is the third largest city in Colombia, characterized by a high number of incoming migrants from the southwestern region of the country each year, high unemployment rates and severe poverty. During the 1990s, it was widely recognized that Cali needed an effective way to deal with rampant crime, as there was an increase in violence rates from 23 per 100,000 people per year in 1983 to 106 in 1995 (UN-Habitat, 2001, pp. 228-229).

Before he became mayor of Cali in 1992, Guerrero was not a politician but a Harvard-trained epidemiologist, hence his health-inspired methodology. Immediately after assuming the mayor's position, Guerrero drafted and established the municipal program DESEPAZ (*Desarrollo, Seguridad y Paz*- Development, Security and Peace). The program recognized that violence was a multifaceted and multi-casual problem that requires a comprehensive approach. As such, the program started with a one-year epidemiological study into violence to identify risk factors for urban violence (The World Bank, 2000, p. 26). Data revealed that most homicides happened during the weekend, were committed predominantly by young people, and were often tied to alcohol consumption. As a result, policies were implemented to restrict sales and consumption of alcohol in public places after certain hours (Sánchez, et al., 2011, p. 1). A study conducted on the effectiveness of this measure during its implementation between 2004 and 2008 indicated that during the periods of the most restrictive prohibition, there was a lesser risk of homicide. The program also introduced curfews for young people in high crime neighborhoods between 11 pm and 5am on weekends. Another resolution implemented between 1993 and 1994 banned the carrying of guns on payday weekends and holidays, and later it was found out that neighborhoods with the ban experienced 14% fewer homicides than areas without the ban (Villaveces, Cummings, & Espitia, 2000, p. 1209).

DESEPAZ also recognized that the prevention of violence and crime requires the participation and commitment of all citizens. As such, so-called Municipal Security Councils (*Consejos Municipales de Seguridad*) of two kinds were created: City Security Councils and Community Security Councils. During the former, the mayor presided over weekly meetings with various heads of institutions involved in law enforcement (courts, army, police) in an effort to review the past week's statistics on violent deaths, and to plan measures of law enforcement accordingly. The

latter offered a medium through which citizens and neighborhood leaders could meet with law enforcement agents to discuss issues related to public safety and appropriate responses. The result was the gradual restoration of trust between citizens and authorities on the one hand, and an increase of the information about criminals provided by citizens. In addition to these measures, the law enforcement of Cali was also strengthened: a project allowed all members of the police to finish high school<sup>5</sup>, while a special training program was also set in motion aimed at improving the performance of police officers, by instructing them on human rights, the country's constitution and on specific skills related to their job (Guerrero & Concha-Eastman, 2008, pp. 5-6). The Colombian government also established special well-equipped brigades to investigate crime in Cali, resulting in an increase in the rate of identifying perpetrators from 3% to 18 % (Rosenberg, 2014).

The DESEPAZ project also included a communication program called *Mejor Hablemos* (Let's talk!) in 1996, aimed to change attitudes, intentions, and behavior to foster peaceful conviviality. Forgiveness, tolerance, personal control and dialogue were emphasized through several channels of communication, such as radio stations, television programs, and newspapers. Other spaces for message dissemination were hospitals, schools, community centers, even hairdresser parlors. In these messages, everyday real case stories of conflict and their subsequent peaceful resolutions were presented, highlighting dialogue and conversation as the ways to prevent conflicts. Program evaluation of the *Mejor Hablemos* documented more favorable attitudes towards peaceful conflict resolution and a decrease in family violence (Kline & Huff, 2007, pp. 272-274).

All in all, since DESEPAZ was not meant to be a controlled experiment, the specific contribution of the programs to the general descent of murder rates in Cali is not entirely identified. There is persuasive evidence that gun and alcohol restrictions worked, as homicide figures decreased by 35% during their implementation (Gurney, 2015). However, the fact that the overall rate in Cali did not start to decrease until 1994 suggests that other parts of the program, which were slow to implement and did not produce immediate results, mattered as well. Unfortunately, subsequent administrations gradually stripped the program of its budget. Nevertheless, 2012 saw the

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<sup>5</sup> 55% of the street patrol officers had not completed high school.

reinstatement of Guerrero as mayor of Cali, and the city registered a significant drop in murder rates by 2014, as curfews and gun bans were reintroduced in the most affected neighborhoods.

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The capital of Bogotá, although historically less touched by crime than the previously analyzed cities of Colombia, offers a good model for multi-pronged crime reduction and prevention under mayors Antanas Mockus (1995-1997, 2000-2003) and Enrique Peñalosa (1998-2000). Mockus brought a novel security platform -*citizen culture*, a plan which recognized the capacity of the state to provide security as limited, and encouraged citizen participation and responsibility to change the culture of violence predominant in Colombian society to a culture of restraint. This program employed a highly pedagogical, symbolic strategies and expansion of the library system to change public behavior. During this time thousands of citizens attended workshops with the municipal police force to improve community policing and build trust between the police and local communities. A 2006 survey showed the efficiency of the citizen culture as 80% of the residents of the capital city felt that they are responsible for security in their neighborhoods (Hunt, 2012, pp. 1311-1313). Mockus also incorporated the epidemiological approach, as previously seen in the case of Cali, increasing the seizure of firearms and curtailing the sale of alcohol after 1:00 am.

Mayor Peñalosa incorporated Mockus' foundation of citizenship culture, and was additionally dedicated to the defense of public spaces and to the regeneration of deteriorated urban environments, similarly to the case of Fajardo in Medellín. He put equal emphasis on increasing investments to equip the Metropolitan Police, as well as on setting up new detention centers and improving existing ones (Llorente & Rivas, 2005, pp. 8-9).

During Mockus' second term, several developments characterized the city regarding the improvement of policing: the police budget had increased approximately 300%, and 12 quadrants of the city of high commercial interest were identified and serviced with constant police presence. Much of Bogotá's enhanced budget was spent on police training, including extended instruction in human rights and international humanitarian law (Beckett & Godoy, 2009, p. 285).

The lack of accountability among state institutions and political leaders is a prevalent problem in emerging democracies, such as Colombia. The implementation of community policing was aimed to partially remedy this problem and contribute to a more effective reduction of crime in the

country. In reality, Colombia has never implemented a real model of community policing which would have led to the transformation of the police's culture, conduct, and organization. This model was hindered from coming to fruition by factors such as, lack of credibility among high-ranking officers, lack of neighborhood and area coverage, difficulty of measuring its impact, and pressing internal issues which siphoned resources out of this initiative. The imbalance on the emphasis given between regular and community policing is apparent in the number of police officers: while the total number of police officers increased 33% between 1998 and 2007, growing from 101,289 individuals to 134,775, the number of community police officers increased by a mere 3.4% between 1999 and 2007. Community policing has been successful in cities like Cucuta and Cali, where they initiated non-aggression and disarmament pacts, thus reducing the number of violent deaths among youths. In addition, some officers in conjunction with private agents built schools for underprivileged children in squatter neighborhoods in Bogotá. Practically speaking, the only indicator that shows the results and effectiveness of CP in Colombia is the number of Local Safety Fronts<sup>6</sup> created in Bogotá: 9686 such groups in 2006, with 15% of the city's residents and 11% of its households are included within these Fronts. However, these Fronts do not meet regularly where the community and police would solve security concerns, but only once per year to deal with suspicious activities within the neighborhood (Vázquez, 2012, pp. 36, 45-46, 51-53).

The Colombian youth especially is under considerable economic pressure. Low education qualifications make it very difficult to find formal employment, while seeing and experiencing violence discourages young Colombians to seek further education, thus perpetuating the wheel of juvenile violence in the country. In addition, the state is unable to offer them a better life. Regrettably, there were few, if any, programs implemented with the aim of preventing youth violence.

In 1993, The Ministry of Health in Colombia commissioned the NGO *Fe Y Alegria* (Faith and Joy) to develop a life-skills program for schools, covering violence prevention, and alcohol and tobacco use, whereby young people's interpersonal skills were developed. Formal evaluation is lacking, however, interviews with parents and teachers revealed that the children's behavior improved<sup>7</sup>. As such, it came to be conducted as part of the standard curriculum, and the program's materials were

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<sup>6</sup> These organizations allow residents to organize within their neighborhoods, install alarms and exchange telephone numbers in order to alert each other and the authorities when suspicious activities occurred in the neighborhood.

<sup>7</sup> They were more polite, attended school more often, and reduced their aggression in the classroom.



circulated more widely to schools in Colombia after 1999 (Bellis, Jones, Hughes, & Hughes, 2010, p. 29).

The evaluation of a similar program by Klevens, et al (Klevens, et al., 2010) yielded similar results. The program was conducted in the public schools of Pereira, a large city with high homicide rates and numerous impoverished citizens, and focused on the reduction of aggressive and anti-social behavior and fostering pro-social conduct. The findings showed that the intervention prevented increases in aggressive and anti-social behavior.

Another good example, *Aulas en Paz* (Classrooms in Peace) earned a reward from the University of Chile for its methodological rigor. This project was a school-based program for the promotion of peaceful relationships and citizenship skills in youth. Several evaluations showed that that the target group showed less aggressive behavior, along with more pro-social behavior, as reported by the various participants (Moestue, Moestue, & Muggah, 2013, pp. 4, 11).

According to the UNDP, the youth homicide rate of Colombia was among the five highest in the world in 2012, standing at 73.4 per 100,000. The involvement of minors in criminal organizations has long existed in Colombia. In the city of Cali alone, there are more than 2,000 young people involved in criminal gangs (Cawley, 2014). This phenomenon is expected to grow as the Colombian government still lacks any kind of comprehensive crime-prevention strategy aimed at the youth population.

## **5. The Enduring Predominance of the Criminal Justice System Approach in Crime Reduction**

### **5.1. Preference for the Criminal Justice System Approach**

As the previous chapter made it abundantly clear, crime is highly complex and multifaceted phenomenon, one that has a variety of diverse causes and aggravating factors, stretching from the culture of distrust that pervades all levels of society, basic economic woes, inequality, lack of parenting skills, uncontrolled urbanization, poor housing, lack of visible policing, to drug trafficking or the very simple issue of geographical location. Although the height of violence in the analyzed countries- the civil war in El Salvador, the period of intense fights between guerilla forces and the Colombian government, and the bloody years of the South African apartheid- is now over, urban crime began to flourish in its wake. Faced with endemic violence, national governments opted to “declare war” on crime and crack it down by employing the various elements of the criminal justice system, all the while neglecting or assigning much smaller emphasis on facilitating long-term changes in the daily life of the society at large. The present subchapter’s aim is to analyze why the CJS approach is preferred in the analyzed countries to the expense of human security policies.

First of all, it is important to mention that it is difficult to accurately assess the breadth of HS policies and actions within a country due to the great variety of such interventions, which can be educational programs, measures to lower unemployment, increasing the number of officers engaged in community policing or simple communication programs. It is precisely this breadth and, at the same time, vagueness which ensured that HS would find its way into discourses about crime of public actors and presidential candidates but hindered its implementation in the field. President Mauricio Funes of El Salvador (2009-2014) turned away from the *mano dura* policies of his predecessors, advocating instead institutional reforms, anti-corruption efforts, and strengthening community policing efforts. However, after only modest improvements regarding the rate of homicide, and the backlash of hard liners, Funes had to abandon his comprehensive plan for public security, turning instead to the re-militarization of the national police force and the abandonment of his anti-corruption platform (Thale, 2014). Similarly, the National Crime

Prevention Strategy (1996) of South Africa, the country's first attempt to "establish a comprehensive policy framework which addresses all policy areas which impact on crime and to develop a common vision around crime prevention (Van Aswegen, 2000, p. 142)" was gradually abandoned, its truly preventive elements ignored, giving way to a tough, hands-on and speedy approach to confront the country's high levels of crime. These examples attest to the fact that the impact of preventive measures are hard to assess, both because of their indirect relation to levels of crime and due to their nature to reveal their effects on the long-term. As such, both police forces and other governmental agencies tend to employ anti-crime programs which are more easily measurable and can serve as a basis to display their efficiency and secure a more stable budget for themselves from the central government. Nevertheless, this approach can lead to misguided benchmarks, such as measuring the efficiency of law enforcement by the number of arrests made, thus encouraging police officers to make arbitrary arrests and commit other human right abuses.

Obviously, an additional cause for the preference for criminal justice measures in reducing crime was the result it brought in decreasing instances of violent crime. All three case studies display a drop of homicide of around 50% during the analyzed interval of years, countries with a predominantly reactive policy of public safety. A confrontational approach in Medellín, Colombia, targeting the drug trafficking cartels during the 1990s yielded significant decreases in murder, while the national police of the New South Africa and the Salvadoran government also managed to reduce the occurrence of homicides by a great margin. However, empirical analysis also showed that crime has multiple causes and factors, and as such, the danger of misappropriation of the results to efficient crime fighting is apparent. The armed crackdown of Operation Orion in Medellín was successful in expelling the insurgent forces from the area, and the ensuing decrease in violence was attributed to the operation. However, regular policing was not established, and the removal of the militias led to the hegemony of a paramilitary forces, hence the reduction of armed confrontations afterwards. Similarly, El Salvador's peaceful years at the beginning of 2000s could be largely attributed to the aggressive recruitment of the Mara Salvatrucha gang and its ensuing dominance, prompting the Barrio 18 street gang to refrain from attacking the MS, hence urban areas under the control of the latter became more peaceful. This period coincided with President Perez' repressive law enforcement strategy, and his efforts, regardless of their actual impact, were connected to the relative peace enjoyed in the country at that period. Moreover, El Salvador experienced the greatest drop in homicide between 1995 and 2000 (from 139 to 39 per 100,000

inhabitants), mainly due to the decreasing instances of the so-called aftershocks- personal vendettas, political assassinations, and other motivations- of the civil war which ended in 1992 (Richani, 2010, p. 441). This drop cannot be attributed to the Salvadoran government, which after the civil war, has been greatly weakened in its capacity to enforce the law and was undergoing a deep institutional transition.

Departing from the issue of actual results and their assessment, it can also be argued that developmental approaches to crime are also at a disadvantage at the formation of policy before actions are implemented. Human security programs, due to their comprehensive nature, require the collaboration of several distinct governmental departments, institutions, agencies, local communities, non-governmental organizations and international donors in order to be effective. As such, preventive programs often end up discarded even before their implementation due to insufficient willingness for inter-departmental cooperation or political backing. Nevertheless, it is also true that such measures can be abandoned even during application on the field, either due to public pressure or the withdrawal of political support. The case of the initiative of the Funes administration in El Salvador to instate a nationwide prohibition of gun carrying is illustrative of the problem at hand. Since more than 70% of murders are committed with a firearm, this initiative would have suspended an important factor leading to violent crime. However, due to a lack of political backing, a gun ban in only 40 crime-ridden municipalities could be secured (Wolf, 2012, p. 53). In a similar fashion, community policing in South Africa has never come to full fruition because of lack of support from senior SAPS management and lack of general community participation.

Developmental approaches are mainly designed for the long-term, both regarding their implementation and methodology for their assessment. As a consequence, continued political support is also undermined by the regular rotation of executive and legislative personnel, by way of presidential elections and other appointments to key positions in various ministries. The abandonment of preventive measures envisaged under the NCPS of South Africa began with the appointment of a new Minister of Safety and Security and National Commissioner of Police in 1999, who began advocating for a tougher approach on crime, geared towards law enforcement (Omar, 2010, p. 1). The partial remilitarization of El Salvador's national police service,

introducing ex-combatants to managerial positions, also led to a swift turn away from socially-minded anti-crime projects to a wider support for law enforcement agencies.

Relying predominantly on the mechanisms of the criminal justice system in developing countries to ensure public safety can often be seen as a continuity of their rugged recent past, a method deeply entrenched as the government's way of functioning. Today, countries with high crime rates are often found to be those which have recently undergone longer periods of authoritarian rule by a repressive regime or internal wars between various groups of civilian combatants and government forces. The institutional model for public safety in these countries were structured almost entirely during the authoritarian period, and were often geared towards ensuring the survival of the state from the encroachment of guerilla forces or a certain ethnic group. Internationally mediated peace accords, which saw the end of internal conflicts and the emergence of a transition towards democratic rule, would exert an insufficient impact on the structural transformation of the institutional framework. During the apartheid era of South Africa, the army was much more focused on ensuring internal security by taking up tasks of crime prevention, while the police served as defender of the interests of the minority white population. In a similar fashion, the Salvadoran government unleashed numerous military operations to "cleanse" with impunity rural areas of people who might collaborate with guerilla forces. As such, during times when the government is seen as incompetent while facing the complex issue of crime in society, reaches to the all too familiar method of broadening the powers and prerogatives of the national police and involving the military to provide public safety.

The research at hand does not posit that such an approach and internal military interventions are not called for in very serious cases and that they cannot yield short-term reductions in crime by targeting criminal organizations and insurgent groups. Rather, reinstating the military as a regular public safety provider can weaken the rule of law and the public respect of it, thereby drawing attention and resources away from socially-minded programs and reforms aimed at strengthening regular policing and improving the functioning of the judiciary. As long as the armed forces are employed to remedy police deficiencies, the government may not muster political will to invest in a more effective law enforcement (Wolf, 2012, p. 54). Additionally, soldiers are trained to defeat an enemy, not to collect evidence and protect the population with minimum force. Given the military's logic and the firepower at its disposal, its participation in regular policing often leads to

human rights violations. This was certainly the case at Operation Orion in El Salvador, which left hundreds of local non-combatants injured and displaced.

A further cause for the enduring predominance of criminal justice measures can be found in the low level of budgetary resources these countries have. Human security programs would often require increased welfare spending; however, neoliberal economic policies leads to the reduction of the state's role in the economy and social spending, such as education and public health. Faced with this situation, neglecting developmental spending and reforms, while relying on law enforcement agencies to prevent and reduce crime is a cheaper option. Nevertheless, a larger prison population in the long run, as a result of punitive policies, can be as big if not a bigger drain on governmental resources. Moreover, huge budgetary deficits also mean less recourses to dedicate towards the improvement of law enforcement by better equipment, training, and facilities.

It was not only the central governments in the analyzed countries which have advocated for a tougher, more punitive approach to crime but also the general public which experiences an ever-present atmosphere of public insecurity. Fear of crime can be the result of several different variables, which are not only linked to threats and vulnerabilities but also to institutional performance, economic security and ecological conditions. All three case studies, some more than others, have embraced a quick shift to neo-liberal economic policies during the 90s and 2000s, which brought the privatization of state assets and functions and the reduction of welfare state provisions (Walks, 2009, p. 346). The uncertainties brought by economic restructuring, coupled with popular disenchantment with transitional democracy, heightened citizen's perceived fear of crime. In the case of El Salvador, the frequent occurrence of ecological disasters, such as hurricanes and earthquakes, pose as aggravating factors.

For most citizens, it is the national police force which is the most visible instrument of the government. As such, their actions have a powerful influence on the public perception of the government's legitimacy. When crime rates remain on a reasonably high level and produce social and economic effects, the attention of middle and upper class citizens focus on the failures of the criminal justice system. The public, skeptical of the law enforcement capacity of democratic regimes, support extra-constitutional measures, the extension of the police's prerogative, and an increased role for them military forces.

The general public has a tendency to identify a “carrier” as a repository for all of its fears and insecurities, an agent or phenomenon which unites all the dangers of modern life, providing a distorted image of the situation of crime. In our cases, criminal gangs, predominantly staffed by youth perpetrators, are often stigmatized as the one and only source of public insecurity, acting as veritable scapegoats against the backdrop of the far more complex issue of crime. The mass media has had a considerable effect on influencing the formation of public opinion and the construction of numerous citizens, leading to an extended culture of fear and misinformed stances (Barahona & Lejarraga, 2011, p. 53). Taking advantage of the general sentiment of the general population, although often in an oversimplified and misinformed way, many presidential candidates, so called “punitive populists” tap into what they believe to be the public’s generally punitive approach and base their program predominantly on penal policies to shore up a higher amount of votes and support. In Colombia, it was Álvaro Uribe whose landslide victory during the presidential elections in 2002 is illustrative of the public’s endorsement of a heavy handed approach to the country’s issues of insecurity. Similarly, *mano dura* was univocally welcome by the Salvadoran population in 2003. The post-apartheid years of South Africa were also marked by a continuous public perception of crime of a “total onslaught by gangsters, hijackers, drug lords and rapists” (Dixon & van der Spruy, 2004, p. 352). The ANC administration responded to public demands by employing a hard line approach against criminals rather than addressing the socio-economic causes of criminality. The widespread stigmatization of criminals and criminal gangs in the analyzed countries prompted the general public to reject the idea of a constructive approach to them based on rehabilitation, and advocated instead for their eradication.

All in all, we have seen that the criminal justice approach has been favored as the prime method to counter what can be described as abnormally high rates of crime in the analyzed countries. It was evidenced that the reason for this tendency has not only been the criminal justice system’s relative success in pushing back crime but also other factors, such as the breadth of the human security approach, and the ensuing difficulty to measure the performance of programs conceived under it, the HSA’s need for the sustained political will of a broad coalition of actors, low level of resources and state capacity, and the culture of fear which prompted the general populace to demand tougher approaches to crime, coupled with punitive populists who were all too eager to abide.

## 5.1. The Theory and Concept of Human Security Reassessed

As it was concluded in the previous chapter, the criminal justice system approach have been preferred by a range of actors in these highly affected states, while developmental actions, supported rather by the civil society and international organizations, have been more or less neglected. Although seemingly more adequate to reduce the occurrence of crime, this preference raises doubt about various presumptions that human security theory holds.

From the perspective of Felson's triangle (*Figure 3*), it can be argued that the often under-resourced criminal justice system is only able to assert constant influence on the offender, through deterring it by harsh penalties or incapacitation, thereby removing it from the triangle altogether. However, as we have seen, overreliance on incapacitation can lead to prison overcrowding, an issue which is hard to resolve effectively on the long-term without policies targeting the root causes of violence. Similarly, the state's limited controlling capacity and investigative abilities mean a large number of crimes go unpunished (more than 90 percent in El Salvador in 2010), and even if the offender is caught, the likelihood of conviction is quite slim (as low conviction rates presented in the empirical chapter attest to this fact). As evidenced by the employment of *iron fist* policies in El Salvador, and the subsequent rise in homicides, offenders are not likely to be deterred by such increases in punitiveness.

The criminal justice system can also reduce the occurrence of crime by providing guardians in the form of regular police patrols. Nevertheless, many developing countries fail to provide adequate police coverage to the whole extent of the large metropolises. Often the most neglected areas are those with the highest rates of homicide, the impoverished and marginalized urban slums and townships in the analyzed cases. Theoretically speaking, the human security approach's endorsement of community policing could provide an extended guardianship through encouraging citizens to take active responsibility in monitoring and reporting crimes or suspicious activities. Under CP programs, those officers with specific community assignments may be more responsible than those with wider areas to cover, thus contributing to a more effective guardianship (Felson, 1995, p. 62). Interestingly, offenders can also act as *managers* (those who monitor amenable places), in cases where criminal gang members have *de facto* control over areas and they impose limitations on violence and crime. In this situation, the crime triangle approach underlines the



sometimes counter-productive nature of military and police raids in highly affected areas, whereby the an uncontested rule of a certain gang is removed or weakened, along with effective guardianship, thus offsetting rising levels of crime. Apart from policing, the HSA also emphasizes the agency of the *handler* (those who supervise likely offenders) through facilitating active parenting, after-school projects and other youth related programs, such as psychological consultations and vocational trainings. All in all, insufficient implementation of HSA policies in the analyzed countries only reflects partially the validity of Felson and Eck's crime triangle.

Looking closely at the theory and concept of human security after analyzing these crime-ridden countries, the criticisms of those who questioned its usefulness appear to be validated. At the time of its inception in 1994, many commentator regarded the HSA as a new paradigm for both scholars and practitioners, one that would give new impetus to the cause of development. Data about the vagueness of HSA indicators, which also happens to be one of the limitations of this research, and the low public visibility of these programs attest to the imprecise nature of HSA as a theoretical construct. Paris (2001, pp. 87-88), along with several other scholars, argues that the fact that human security lacks a precise definition limits its usefulness and practicability: "human security is like "sustainable development"—everyone is for it, but few people have a clear idea of what it means".

As definitions of human security tend to be rather expansive, encompassing several issues from physical well-being to psychological health, policymakers are left with little guidance regarding the prioritization of competing policy goals. As such, statesmen in these highly affected countries have stuck with a more familiar, narrower, traditional conceptualization of security which emphasized more the state's survival over citizen security. As we have seen, this approach meant the re-militarization of El Salvador's internal security apparatus.

On the other side of the argument, human security has been hailed as an efficient rallying cry, a unifying concept to realize a coalition of states, development agencies, NGOS, and communities (Paris, 2001, p. 88). A slippery concept by design, HS is deemed powerful precisely because it lacks precision and thus is able to encompass the diverse objectives and perspectives of various local, national, and international actors. Indeed, there were acts of cooperation worth mentioning, such as USAID's collaboration in El Salvador both with the national government and NGOS or the NCPS of South Africa, a comprehensive strategy which was the fruit of interdepartmental cooperation. Nevertheless, the number of these cases have been far outweighed by governmental

policies and actions realized without community consultation or expert advice from agents of the civil society. Even the NCPS, due to pressure by the public and some members of the government, was partially abandoned for a tougher, more hands-on approach drafted by a small group of police officials. At the time, the South African government assumed that cooperation between departments would rise spontaneously and naturally; however, due to vaguely defined plans for its implementation, lack of extra budget provided and expertise, coupled with demands of the constituency and crises in the criminal justice system, a narrower approach to crime reduction quickly gained ground.

This example points not only to the naïve assumption of the HSA that inter-agency cooperation would rise easily after the establishment of a comprehensive strategy, but it also underlines the fact that the whole approach may not be desired at all by the population when faced with a crime problem out of hand. Democracy is held in high esteem among adherents of the HSA, as they argue that public participation and inclusive political institutions are crucial in preventing violence and crime. The peace process in El Salvador and negotiations to end the apartheid in South Africa saw the emergence of more pluralistic societies where a wider range of actors began to be involved in policymaking, and most importantly in affecting the debate about the best ways to deal with crime. However, as it was shown, these populations have largely been in favor of repressive methods of crime-fighting, contrary to how the HSA envisaged the interplay between the expansion of democratic rule and less repressive methods of reducing violence.

## Conclusion

Nowadays, numerous states struggle to achieve sustainable development and provide a standard of life to its citizens comparable to that of developed countries. In its quest to do so, the so-called Third World countries encounter a myriad of hindrances and setbacks; however, none of them is as poisonous and detrimental as the widespread use of violence and lawlessness that wreak havoc in these societies, tearing families and communities apart, spreading fear and insecurity, and generating an air of hopelessness among the youth and dispossessed. Meanwhile, the governments in these highly affected societies redirect valuable resources and expertise from policies that would set their countries on the course for a better future to programs devised to contain and reduce the spread of violence.

As evidenced by the empirical chapter, crime reduction in the analyzed case studies, El Salvador, South Africa and Colombia, tends to be predominantly realized by the criminal justice system by using punishment and deterrence as their main methods. The police forces, aided by the occasional deployment of the national army, are seen as the main protagonists in reigning what can be described as a veritable myriad of diverse criminals and crime organizations. All the while, the judiciary makes sure that apprehended suspects are incarcerated, and prisons are there for the correction of those with criminal tendencies. This would be the ideal scenario; however, despite of its obvious successes in reducing homicide figures in the countries at-hand, the CJS's work is not seen as comprehensive enough, as it only addresses narrowly the offender, while disregarding the structural factors which contributed to the occurrence of crime.

Human security has been optimistically hailed as a useful approach to comprehensively deal with the many aspects of offending and victimization. Measures and programs implemented under, however, have not lived up to the expectation and have been more or less neglected. After an extensive recent history in El Salvador of heavy-handed approaches to crime, it is only in the last couple of years that it mustered the political will and set out to address crime prevention more deeply. South Africa had a highly integrated strategy right after the elections that marked the end of the apartheid, however, the state abandoned it for an intensification of crime combating rather than prevention. Colombia has also had its fair share of aggressive policing and military crackdowns, nevertheless, with prominent examples of crime prevention programs at the

municipal level. The present research set out to find out why the CJS approach has been so universally implemented in these highly affected states, and it can be said that it was largely successful in doing so. As the last chapter attested, there have been several reasons for the neglect of developmental policies in favor of punitive ones.

Firstly, HSA policies and strategies were seen as too vague, soft and indirect when it comes to crime reduction, as they did not provide operational depth in their planning, lacking clear benchmarks and ways to accurately assess their impact. Secondly, many of these successes of CJS were misappropriated to it, and served as suitable bases to support their continued implementation. Thirdly, the implementation of developmental policy initiatives were often hindered right at the time of their conception, as a broad coalition of national, regional, and local agents that it requires could not be secured. Fourthly, different administrations approached crime differently, and as such, the long-term implementation of steady HSA programs suffered. Most importantly, the reduction of welfare provisions of the state towards its citizens, coupled with often inaccurate and sensationalized accounts of crime, heightened a feeling of uncertainty and insecurity in citizens, leading them to demand the speedy, tough crackdown of crime.

To sum up, the human security approach have so far did not yield a widespread tangible impact on crime reduction in these highly affected states. It is true that this can be attributed to insufficient implementation on the field but it also shows the conceptual weakness of the approach. Efforts to define human security in more precise terms and implementation could be a step into the right direction. Although, many actors who argue that the concept's strength lies in its expansiveness and ambiguity would most assuredly resist such an attempt.

Regarding the end-product of the analysis, relying only on figures of homicide to assess crime levels in the case studies have somewhat limited the analytical depth of the research. A study, encompassing also property-related crimes and gender-based ones, would provide a more comprehensive picture of the challenge of crime, the efficiency of responses and argumentations of preference.

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