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**Master's Thesis of Public Administration**

**El Salvador Policies to Decrease  
Homicide Rates:**

**A Punishment Approach from 2003 to 2012**

**엘살바도르의 살인을 감소를 위한  
정책에 관한 분석:**

**형벌이론 관점에서의 2003 년~2012 년 추세에  
대한 분석을 중심으로**

**August 2014**

**Graduate School of Public Administration**

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# **El Salvador Policies to Decrease Homicide Rates**

**A Punishment Approach from 2003 to 2012**

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## **ABSTRACT**

# **El Salvador Policies to Decrease Homicide Rates**

## **A Punishment Approach from 2003 to 2012**

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El Salvador is a country located in Central America which, after Mexico, is the closest region to the United States. As a territory with access to the land and sea, it is prone to drug and weapons trafficking within the region and to the United States. This condition generates an underworld of crime and violence in the society. This is added to the unequal conditions of Salvadoran people in terms of education, healthcare, employment and most basic needs. This situation of inequality is similar to the whole Latin America which is the most unequal region in the globe.

El Salvador experienced harsh military dictatorships during almost all the twentieth century and, from 1980 to 1992, a civil war between guerrilla and

the government left hundreds of thousands of casualties, orphans and people who fled overseas. This war divided society that during 1990's decade tried to rebuild itself in a young democracy.

Nevertheless, while the civil war was taking place in El Salvador, the people and mostly orphans who fled to the United States created during the 1980's two of the strongest gangs in the world. During the 1990's these gangsters started to be deported from North America back to El Salvador where they could not find the conditions to integrate to this new post war society. In consequence, they were isolated and organized the gangs in Central America.

From this time on, gangs have increased the amount of members and their participation in drug and firearms trafficking to the point that in the early 2000's they were uncontrollable by the government. The authorities in consequence created policies since 2003 in order to capture and prosecute gang members and remove them from the streets. These coercive plans were called *Mano Dura* (Iron Fist) and the next plan was *Super Mano Dura* (Super Iron Fist) which were integrated also with weak and underfunded rehabilitation and reintegration programs. Although at the beginning they massively captured the gangsters, it helped these organizations to improve their conditions in order to disguise themselves and, as time passed by, become more dangerous.

This study is a qualitative research over the policies that were implemented in El Salvador from the perspective of the Punishment Theory, which sustains that crime must be controlled via hard punishment and the government is responsible to do it. The weakness is that although apparently the situation might seem controlled, it creates exclusion and a divided society that could become a time-bomb. At the end, the government might have focused its efforts in penalizing crime and not creating opportunities to reintegrate criminals.

To the Punishment approach, a cultural view will be also discussed in this topic. There is a hypothesis created for Latin America which explains that violence is a consequence of the cultural characteristics of the region. This hypothesis sustains that people might be tolerant to the crime under certain conditions and scenarios and even the fact of committing homicide can be the right decision.

The qualitative study will also be supportive with the evaluation of demographic and economic indicators of El Salvador, to understand the statistic possible cause for homicides and how murders could affect Salvadoran economy. In the same way, it will be studied as well from the statistical approach the budgets that in El Salvador are destined for Justice and Public Security in order to find out whether enhancing these government

branches via increase of the budgets could really generate a reduction of homicide rates.

As additional and secondary support of this research, public security officers were interviewed to share their official and personal opinions about the topic. The interviewees are the Commissioner Amaya Alfaro, Deputy Director of Public Security of El Salvador and the Inspector Rodriguez Godinez, Chief of the Salvadoran 911 Emergency Division of the police.

**Key words:** El Salvador, Punishment Approach, Criminal Policy, Homicides

**Student ID:** 2012-24055

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# CHAPTER ONE: INTRODUCTION

## 1.1 PROBLEM STATEMENT

According to the World Bank data, El Salvador homicide rates reached 69.2 per 100,000 in 2011<sup>1</sup>; making this small country one of the most seriously affected by armed violence.<sup>2</sup> According to the Geneva Declaration, in the period between 2004-2009 “*El Salvador was the country most affected by lethal violence..., followed by Iraq*”<sup>3</sup>

The social and political situation has escalated in such way in El Salvador that according to a survey conducted November 8–13 2010, by the company *Analitika Research and Marketing* and the digital newspaper *El Faro* –widely known due to its objectivity –, it revealed that almost half of the respondents

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<sup>1</sup> World Bank Data, *Intentional Homicides rate*, [http://www.google.com/publicdata/explore?ds=d5bncppjof8f9\\_&ctype=l&strail=false&bcs=d&nselm=h&met\\_y=intentional\\_homicides&scale\\_y=lin&ind\\_y=false&rdim=country&idim=country:SLV&ifdim=country&hl=en\\_US&dl=en\\_US&ind=false](http://www.google.com/publicdata/explore?ds=d5bncppjof8f9_&ctype=l&strail=false&bcs=d&nselm=h&met_y=intentional_homicides&scale_y=lin&ind_y=false&rdim=country&idim=country:SLV&ifdim=country&hl=en_US&dl=en_US&ind=false); updated Sep 8, 2013.

<sup>2</sup> Geneva Declaration Secretariat, *Global Burden of Armed Violence Report – The Geneva Declaration*, Geneva, Switzerland; 2008 ISBN 978-2-8288-0101-4; p 5.

<sup>3</sup> Geneva Declaration Secretariat, Nine out of ten violent deaths occur outside conflicts, Crime is the single largest contributor to violent killings; *Global Burden of Armed Violence – Lethal Encounters*; Cambridge University Press; 2011 Press Release; <http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011-PRESS-RELEASE-ENG.pdf>, visited January 23<sup>rd</sup>, 2013.

are willing to support a military regime instead of the current democratic system as long as it resolves the economic and security issues.<sup>4</sup>

Most of the national budget is being always destined to those institutions in charge to fight crime and apply justice (Ministry of Justice and Security, Ministry of Defense and Judicial System, including the Attorney's and prosecutor's offices). All these institutions budgets are even higher than any other area such as education or health.<sup>5</sup>

In spite of the budget destination, violence was impossible to control and the executive decided to deploy the army forces since 2003 in order to control violence. Although this measure generated a huge debate due to its contradiction with the peace agreement of 1992, it was accepted in order to control violence.

The lack of effective rehabilitation programs in El Salvador as well as the scarce job opportunities for ex-convicts makes them prone to continue committing crimes. On the other hand, the Ministry of Defense has an apparently unnecessarily high budget,<sup>6</sup> because this country is not in war

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<sup>4</sup>Vaquerano, Ricardo (2011, February 2nd); *Salvadoreños consideran sacrificable la democracia*, Diario Digital El Faro, El Salvador;  
<http://www.elfaro.net/es/201102/noticias/3465/>; visited January 23rd, 2013.

<sup>5</sup> El Salvador Budget spending reports, El Salvador Treasury;  
<http://www.mh.gob.sv/portal/page/portal/PMH/LAIP/ApartadoEspecial/InformeEjecucion>; visited January 23rd, 2013.

<sup>6</sup>Idem.

anymore. These resources could be destined to rehabilitation programs for gang's ex-members.

In El Salvador, there is an over-demand of prisons and not enough places to maintain convicts. At the same time, rehabilitation programs are poor and ex-convicts are highly excluded in society.

In March 2012 a historical turn occurred when the Mara Salvatrucha and the Mara 18, the two biggest gangs in the country, announced a truce in order to reduce the homicide rates and violence in El Salvador. And since that day, those rates significantly reduced.

As Boutellier states in his book, it can be said that El Salvador is a very unequal society where gated communities are common, security industry is highly successful and undesirables are excluded everywhere just for their appearance.<sup>7</sup>

The Salvadoran government was unable to control violence, despite of the budget destined to its institutions and policies created in order to achieve that final goal. In consequence, it is necessary to analyze the reason why El Salvador policies were unsuccessful to control violence during these years.

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<sup>7</sup>Boutellier, Op Cit *Vide infra* Note 15.

It will be evaluated whether the homicide rate impacts in the life expectancy of the population, unemployment, birth and death rate as well as economic growth and in the increase of inequality in El Salvador. At the same time, the budget expenditure of the government will be evaluated in terms of homicide control, under the assumption that the government invested the budget in such way that crime could not be controlled.

On the other hand, the social explanation of violence should also be part of the analysis. The high rates of homicides and crime in general might also have a social cause that goes beyond the quantitative indicators and requires a qualitative examination of the Salvadoran society.

## **1.2 JUSTIFICATION**

The base of this research lays on the necessity to create a study with several approaches that will allow the reader to understand the situation of El Salvador regarding the government policies in relation to the high levels of violence and criminality. Besides, the cultural approach will also be considered as one of the qualitative explanations of crime in Latin America.

This study intends to become an instrument for policy-makers in order to enlighten the decisions to be taken according to the characteristics and situations that El Salvador is facing. The complexity of this society requires

integral responses. This research attempts to provide an image of El Salvador that will guide the identification of problems and solutions by taking into account the different economic, social and cultural parameters of the country.

### **1.3 RESEARCH QUESTIONS**

From the scenarios that were previously established, some unsolved matters emerge to the discussion to become, for this research, the base of investigation:

Historically, El Salvador government has implemented strong punitive measures in order to control homicide rates. During the last years, the establishment of policy plans such as *Mano Dura* (Iron Fist) leaves no doubt of this. Nevertheless, the murder rates remain high and the government seems unable to create a viable alternative to face this situation.

Although the policy plans implemented by the government consider several areas, including rehabilitation and training, the budget is mainly oriented to those cabinet institutions related to the reduction of homicides rate such as judicial system, police, prosecutor and attorney's offices.<sup>8</sup> While the strengthening of institutions and policies destined to struggle against crime rose exponentially after 2002, rehabilitation programs remain weak and with poor results in society.

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<sup>8</sup> El Salvador Budget spending reports, *Vide Supra* Note 5.

Under this research, the Salvadoran government is observed as an institution which lacks harmonization among the different programs implemented in matters of prevention and rehabilitation for ex-convicts, it is possible to question:

On the other hand, by seeing the Latin American culture it could jump immediately to the observers a tendency of the population to apply justice by itself. This behavior is not characteristic from a specific country but it is present across the continent. In some countries, it is common to see how people are subdued to collective trial and punished by the members of the community.

In order to respect and maintain ancient traditions that belong to some native ethnic groups, the first way to process some crimes is through *communal justice*. The neighbors agreed and apply the punishment. The State and its ordinary judicial system is left apart and intercedes just in the worst cases, including homicides.

The sole acknowledgment of justice application besides the ordinary state system represents an assumption that people in these countries believe in the implementation of justice by themselves and in consequence, might tolerate a behavior where people apply the law without government intervention.



In addition to the philosophical and cultural approach of the policies, it is also important to observe the indicators that would give a concrete idea of the real situation in El Salvador while these policies were being implemented. The high levels of violence could impact negatively in El Salvador.

After carefully observing the previous facts, it is possible to make the following questions:

- 1- Can the homicide rate be lowered by implementing a punishment approach against crime?**
- 2- Is Latin America and specifically El Salvador prone to violence? Why?**
- 3- What is the relation between the homicide rate and the demographic and economic indicators of El Salvador?**

## **1.4 STUDY OBJECTIVES**

The present study is guided by the previous set of questions that embody the essence of this research. With the purpose to bring into discussion the government policies regarding the homicide issue, its causes and consequences in the society. The objectives are:

1. To know whether the punishment approach is the best solution in matters of homicides control in El Salvador.
2. To understand the cultural background that makes El Salvador and its people a country prone to violence.
3. To measure the relation between the homicide rate and the demographic and economic indicators of El Salvador.

## **1.5 ORGANIZATION OF THE STUDY**

The present investigation has been structured in five chapters as follows: Chapter One, Introduction, contains the problem definition and the reason why is it important to make this research. It also enumerates the research questions and objectives of the research. Chapter Two, Literature Review and Theoretical Background, in this part it is cited some of the most important

documents that study the homicide rate issue in El Salvador and Central America. At the same time, it also holds the theoretical bases of the research that will be the tools to interpret the cultural approach of the problem.

Chapter Three, Research Methods, it is the technical chapter that explains the methodology adopted for this investigation, explaining which sources were utilized as well as all the challenges faced that might have influenced the course of the research. It also explains to whom in specific this study is oriented, in order to optimize the use of the developed information that this document contains.

Chapter Four, Analysis and Results gives an overview of El Salvador, its society and economy as well as its population indicators. This chapter also describes the policies that the Salvadoran government adopted since 2003 and the key findings of this research. Chapter Five, Summary and Conclusions, is the final part of the study and provides a summary of the research and its results after evaluating the information collected throughout this investigation. This chapter would contain the opinion of this researcher as well as the base for further discussion and investigation.

# CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL REFERENCE

## 2.1 LITERATURE REVIEW

In order to study the relation between the crime rates and El Salvador policies to reduce them, there are several authors and literature references that have researched about related topics in this area.

In the first place, the security issues have been broadly studied in the region, from the United States to Central America in order to determine the reasons of its existence as well as the mechanisms to reduce its impact in our societies. Several scholars have studied and written about criminal justice and its applicability in Latin America. In the same way, the *Maras* phenomenon has also been studied.

*Attitudes Toward the Right to Kill in Latin American Culture*<sup>9</sup> is a social study developed by Roberto Briceño-León, Alberto Camardiel and Olga Ávila in Caracas, Venezuela, that explains how the action of killing is accepted in certain cases in Latin American countries. This study focuses in several

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<sup>9</sup>Briceño-León, R., Camardiel, A., & Avila, O. (2006). Attitudes Toward the Right to Kill in Latin American Culture. *Journal Of Contemporary Criminal Justice*, 22(4). doi:10.1177/1043986206217092.

countries in the region, including El Salvador and demonstrates a cultural tendency for violence.

In the case of this research, this article could be cited in order to explain certain violent patterns in criminals. Since this is not a study about *Maras*, policies or a specific country, this reference will enlighten this research about how to explain the *Maras* members behavior as well as the population perception facing their criminal actions.

There are also scholars who have studied about the *Maras* phenomenon and the governments' response to it. There are various similarities among the countries of the North Triangle in Central America (El Salvador, Guatemala and Honduras); the study performed by Kevin Lewis O'Neill and published by Duke University Press named *The Reckless Will: Prison Chaplaincy and the Problem of Mara Salvatrucha*<sup>10</sup> is about Guatemalan policies about prisons for *Maras* members. In Central America, the overpopulation in prisons is another challenge that must be overcome as soon as possible. It is a huge problem in El Salvador that still has not been resolved. O'Neill research will be a reference to study that issue in the Salvadoran case.

Sonja Wolf published in 2012 through the University of Miami the article *Mara Salvatrucha: The Most Dangerous Street Gang in the Americas?*<sup>11</sup>, that

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<sup>10</sup>O'Neill, K. (2010). The Reckless Will: Prison Chaplaincy and the Problem of Mara Salvatrucha. *Public Culture*, 22(1), 67-88. doi:10.1215/08992363-2009-016

<sup>11</sup>Wolf, S. (2012). Mara Salvatrucha: The Most Dangerous Street Gang in the Americas?. *Latin American Politics & Society*, 54(1), 65-99. doi:10.1111/j.1548-2456.2012.00143.

studies the evolution of this gang from its origin in Los Angeles, California until current situation in the region and how the governments struggle permanently to defeat this problem.

The approach of this research is also by interviewing *Marasex*-members, in order to understand the inner relations among the gang and their perception of the world and the society. Wolf also studies the social aspect of the gangs issue, regarding migration, and deportation from the United States, that seems to triggered the worst part of the situation during the last decade.

Another research performed by Wolf with the support of the North American Congress on Latin America is *Policing Crime in El Salvador*<sup>12</sup> which specifically studies the evolution of the Salvadoran policies against crime during the last decade. It is a compilation of events in the cabinet as well as executed policies that reflect how the government has struggled to control criminality.

About the theoretical point of view on this research, the Punishment Theory could be applied to El Salvador policies analysis due to the importance that the government has given to those existing institutions to be expected to control crime. This Theory comes from the law approach of crime and explains how legal instruments are supposed to control criminality in society.

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<sup>12</sup>Wolf, S. (2012). Policing Crime in El Salvador. *NACLA Report On The Americas*,45(1), 43-54.

By relating previous articles to the Punishment Theory, we can retake the description made by Wolf about the high level of violence of gangs in El Salvador, as well as the research performed by Briceño-León *et all* about the tendency to violence in Latin America and relate them to the study developed by Leo Zabiart: *Beyond Bad: Punishment Theory Meets the Problem of Evil*,<sup>13</sup> who studies about the different significances of “Evil” and how it could manifest in human societies from the approach of the Punishment Theory.

At the same time, Alan Burdner has a different approach about penal justice from Liberal Theory in his book *Punishment and Freedom*.<sup>14</sup> Burdner states that it is necessary to understand the penal law from the liberal legal order, which will help this research to understand why people from El Salvador could support a transition to a dictatorship over democracy in order to control violence in their society; as well as their support to the military tasks in internal security, which also could be understood as a support to a stronger coercive State against the idea of Freedom and Liberty.

Besides the position of Burdner, who establishes the idea of punishment on principles like freedom and supports coercive states. It is worthy to analyze another position related to the protection of democracy and safety by establishing punitive policies.

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<sup>13</sup>Zaibert, L. (2012). Beyond Bad: Punishment Theory Meets the Problem of Evil1  
Beyond Bad: Punishment Theory Meets the Problem of Evil. *Midwest Studies In Philosophy*, 36(1), 93-111. doi:10.1111/j.1475-4975.2012.00236.

<sup>14</sup>Burdner, A. (2009) *Punishment and Freedom, A Liberal Theory of Penal Justice*; Oxford University Press, 1<sup>st</sup> Edition; Great Britain; 2009. ISBN 978-0-19-920725-1.

Hans Boutellier, in his book *The Safety Utopia: Contemporary Discontent and Desire as to Crime and Punishment* published in 2004, studies the idea of safety as a component of an ideal democratic society. Boutellier states that safety is a desire in human beings, however, “*there is the notion of unattainability; due to the permanent threat and the non-existence of any limits to safety, a situation of total safety is a mission impossible.*”<sup>15</sup> Boutellier also explains that safety is a utopia that encourages policy making in order to protect citizens. Nevertheless, it’s a utopia that will not be really achieved anyway.

By quoting Garland, Boutellier explains “*...that the crime and safety sector is structurally rearranging itself in such a way as to include new elements (the victim, prevention, restorative justice), the power balances are revised (between punishment and well-being, state and commercial facilities, means and ends, the legal protection of offenders and of the public), and the change in relations between the field and the environment (the political process, public opinion and the civil society).*”<sup>16</sup>

This author also analyzes the evolution of what he calls the *new crime culture*. This is the result of the societies’ perception of crime, especially in the United States. Because of the addition of those new elements that are permanently present within societies such as public opinion, political process, etc.

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<sup>15</sup>Boutellier, Hans; (2004) *The Safety Utopia: Contemporary Discontent and Desire as to Crime and Punishment*; Kluwer Academic Publishers; Netherlands; E-book format; ISBN 1-4020-2398-7; p 119.

<sup>16</sup>Idem.p 124.



Since crime is observed as a wrong behavior that affects most members of society. Those who commit these actions are the center of critics due to their wrong behavior; “...*the new crime culture is more focused on exclusion than on solidarity, more on social control than on social facilities, more on the private freedom of the market than on the public freedoms of universal citizenships.*”<sup>17</sup>

The offender becomes punished and excluded citizen whom in consequence lose also some of his rights. Punishments crimes are focused in the attempt to prevent another offence to society. The well-being of the offender remains in a secondary and less important level. Rehabilitation is not focused in reconstruct a misbehaved human being but in the use of force to generate a positive behavior. This might seem contradictory, but it is the current way of administrate justice and punishments in most western societies.

Prisons are, then, a way to exclude people from society. A prison precedent would be always part of a convict life and citizens will look at that person that way all the time.

Another point that is raised by Boutellier, could be understood as the observance of safety as a service. Private security agents are popular around the world. In some countries they even use similar or superior weapons than

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<sup>17</sup>Idem.

the police itself. In an insecure society, the one who is able to acquire this service could guarantee safety for himself and his relatives.

On this regard, Boutellier states that *“the private industry should be regulated and monitored to prevent an undesirable concentration of power. And secondly, security ought to be a democratic good that does not lead to undesirable processes of inequality (gated communities) and exclusion (e.g. keeping certain undesirables out of shopping malls).<sup>18</sup>* At the same time, the author goes forward pointing out how public spaces such as public facilities, stadiums and airport are no longer easily accessible without a security scan process to each person.

It can also said that crime has become a consume product, since it gives high rates to the news, newspaper, TV Shows and movies. The people seem to have become eager to know about crime and its results in society.

Boutellier also explains the apparent contradiction between freedom and safety. Individuals demand freedom, but other's freedom might result counterproductive for their own safety. In this way, safety is according to Boutellier an unattainable utopia in society. In a certain way it contradicts the fundamental idea of freedom and he even states that it is not possible to attached the idea of safety to the Constitution, since it is not possible to guarantee an absolute secure place.

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<sup>18</sup>Idem.p 125.

At the same time, about the role of the government he explains that “(t)he government could choose the repression option, which would mean expanding the powers and capacity of the police and justice departments. This option is tempting and fits in with a populist solution to the tensions in a society that the safety utopia is founded on.”<sup>19</sup>

It is from this point of view that is plausible to analyze the situation of Latin American countries and cases like El Salvador, where high crime rates are common and the role of state is questioned due to its effective or failed policies.

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<sup>19</sup> Idem..p 132.

## 2.2 THEORETICAL APPROACHES

With the understanding that social sciences have the characteristic to be in permanent evolution, scientists face the challenge to design and re-design concepts and theories that would become tools to explain social reality.

The present framework of theory and references has the purpose to provide the reader a tool to optimize the understanding of this investigation. The following definitions will be the way to comprehend basic concepts in this research:

The *homicide* concept will be defined according to the World Bank as “...estimates of unlawful homicides purposely inflicted as a result of domestic disputes, interpersonal violence, violent conflicts over land resources, intergang violence over turf or control, and predatory violence and killing by armed groups”<sup>20</sup>

The next concept to be used in this research is *policy*, understood as “The general principles which guide the making of laws, administration, and executive acts of government in domestic and international affairs.”<sup>21</sup> Each government has its on principles upon which its laws and rules are created. In

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<sup>20</sup> World Bank; Intentional Homicides (per 100,000 people); *Catalog Sources World Development Indicators*; The World Bank Group, 2013; <http://data.worldbank.org/indicator/VC.IHR.PSRC.P5> visited january 23rd 2013.

<sup>21</sup> Scruton, Roger; (2007) The Palgrave Macmillan dictionary of political thought; *New York: Palgrave Macmillan*; 3rd Edition; United States, 2007; ISBN 9781403989512; p 529.

this research, the term policy will comprehend all the laws, rules and plans created by the government to reduce the homicide rate in El Salvador.

On the other hand, there are also two theoretical approaches that will be the main reference for this investigation:

### **2.2.1 Punishment Theory:**

In order to successfully apply this theory to the case of El Salvador, this research will refer to Hans Boutellier and Alan Burdner. Both of them have studied the judicial system in the United States. Based in their studies, it can be said that criminal justice is applied in the US as well as in most western countries under the same principles, in a repressive way and generating exclusion among the population.

There is even a certain dehumanization of the convict and in addition, while in prison, loses some of his civil rights. Some of the critics developed by Boutellier and Burdner will be the keystones to observe El Salvador policies during the last ten years.

## **2.2.2 Right to Kill Approach**

In order to understand Latin American situation regarding crime and violence, this research will refer to a study performed by Roberto Briceño-León, Alberto Camardiel y Olga Ávila in Caracas, Venezuela, published in 2006. They ran an investigation in several Latin American cities (including Madrid, Spain) to understand the level of tolerance and acceptance of murders in the region.

Although it has not been developed as a theory, some regional studies are already holding hypotheses about the cultural explanation to the high level of crime and violence in Latin America. The Central American region is particularly exposed to the violence due to several reasons that come from history to geographic susceptibility for drug and weapons trafficking.

It must be made clear that this hypothesis does not blame communal justice for the level of crimes. However, the tolerance for violence seems to be an explanation of the high level of murder. In El Salvador, there are two major gangs that are responsible for a portion of the homicides but not the majority of them. The murders are committed by people who does not necessarily belong to a gang or crime organization, but just do that for revenge or other reasons.

## 2.3 BACKGROUND OF EL SALVADOR

El Salvador is located in Central America, surrounded by Guatemala, Honduras, Nicaragua and the Pacific Ocean in the south. It is the smallest Latin American country. Its territory is 21,041 square kilometers and it is the Spanish speaking country with the highest population density in the continent<sup>22</sup>.

During the 1980's decade, El Salvador faced a Civil War that lasted for twelve years and cost about 75,000 lives. It ended with the peace agreement signed by the Salvadoran government and the guerrilla forces representatives of the *Frente Farabundo Martí para la Liberación Nacional* "FMLN" (Farabundo Martí National Liberation Front) at Mexico City on January sixteenth, 1992.

Some of the agreements that were established were the elimination of the paramilitary forces, the creation of the *Policía Nacional Civil* (National Civil Police) and the prohibition of the Salvadoran military forces to intervene in internal security tasks.<sup>23</sup> As part of the process to overcome the civil conflict, part of the State structure was dismantled in order to create the conditions for a new peace era.

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<sup>22</sup> According to the World Bank's 2011 data, El Salvador population density per square kilometer is 301.94 inhabitants.

<sup>23</sup> United States Institute of Peace, *Peace Agreements: El Salvador*; Peace Agreements Digital Collection. <http://www.usip.org/publications/peace-agreements-el-salvador>

Nevertheless, the postwar scenario represented a big challenge for the society, trying to rebuild the conditions after thousands of casualties, disappearances and refugees all around the world. And during the early 1990's the Salvadoran government promoted neoliberal reforms that in consequence resulted in a divided society and increasing poverty. In a mostly young population it is difficult to survive in a society where employment conditions are not good and scarce.

As Richani explains about criminal violence in El Salvador in the early 2000's decade, the amount of people who receives a lower salary than the minimum rose from 15.4 percent in 2001 to 17 percent in 2002. Out of all these people, 85.5 percent of them worked for more than 40 hours a week for such low payment.<sup>24</sup>

Underemployment rates are high too and the possibility for young people to obtain a job is lower every year. The amount of people exposed to poverty and violence is permanently increasing. Opportunities are low not just for members of gangs but also for regular people.

It must be also mentioned that the Central American civil wars' remaining weapons were held by civil inhabitants through the whole region, the quantity of illegal firearms is high and there is no precise number of weapons but just

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<sup>24</sup>Richani, N. (2010). State Capacity in Postconflict Settings: Explaining Criminal Violence in El Salvador and Guatemala. *Civil Wars*, 12(4), 431-455. doi:10.1080/13698249.2010.534630. p 437.



estimates<sup>25</sup>. In a changing society with deep differences between poor and rich people, this scenario makes its population prone to violence. In 1996 El Salvador was already known as a country with a very high level of violence.<sup>26</sup>

Continuously it is argued in El Salvador that the existence of the *Maras* and the high level of violence are a result of the Civil War of the 1980's decade. However, there must be other political, economic and social causes of this issue. Through the study of the government policies it could be determined the relation between both variables.

At the same time, it must be kept in mind that after a twelve years war, government institutions were vulnerable and weak. Corruption is still common and even accepted as normal by the population.

### **2.3.1 Demographic Profile**

During the 1980-1992 civil war, thousands of Salvadorans fled out of the country. The first destiny was the United States but also Canada, Mexico and its neighbor Central American countries. It is estimated that approximately 20% of Salvadorans live abroad. El Salvador is a very homogeneous society where

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<sup>25</sup>*Crime and Violence in Central America: A Development Change*; Sustainable Development Department and Poverty Reduction and Economic Management Unit Latin America and the Caribbean Region; Document of the World Bank; 2011; p 20.

<sup>26</sup>Briceño-León, OpCit p 307.

86.3% of the population is composed by mestizos and in consequence, no racial issues take place in this country. As mentioned before, it is the American Spanish speaking country with the highest population density. The population in general remains young, according to the last census in 2007, 60.8% of the population is between 0-29 years old; 79.2% is in the 0-44 age range, as shown in Table 1.

**Table 1**  
**El Salvador: VI CENSUS OF POPULATION 2007**

<b>Age</b>	<b>Male</b>	<b>%</b>	<b>Female</b>	<b>%</b>	<b>Total</b>	<b>%</b>
<b>0-14</b>	991,945	50.9	955,022	49.1	1,946,967	33.9%
<b>15-29</b>	733,348	47.5	811,649	52.5	1,544,997	26.9%
<b>30-44</b>	467,132	44.1	591,895	55.9	1,059,027	18.4%
<b>45-59</b>	286,950	44.1	363,981	55.9	650,931	11.3%
<b>60-74</b>	167,437	44.7	207,041	55.3	374,478	6.5%
<b>75-89</b>	66,530	43.7	85,829	56.3	152,359	2.7%
<b>90 and more</b>	6,029	39.3	9,325	60.7	15,354	0.3%
<b>Total</b>	<b>2,719,371</b>	<b>47.3</b>	<b>3,024,742</b>	<b>52.7</b>	<b>5,744,113</b>	<b>100%</b>

Source: General Direction of Statistics and Census of El Salvador

El Salvador population has evolved positively since the 1992 Peace Agreements. The population has been in general more responsible about children conception by the increased use of contraceptives. Birth rate has been reasonable reduced between 1995 and 2011. At the same time, life expectancy has permanently increased during the last decade.

On the other hand, as it can be seen in Table 2, death rate has remained exactly the same between 1995 and 2011; meanwhile although compared to

the homicides in 1995, the rate in 2011 might seem low, it should be pointed out that since 1999 the tendency has remained increasingly going up, with some slight relieves in years like 2002, 2003, 2007 and 2008 when the rate dropped below 60 murders per 100,000 inhabitants. In spite of these relieves, homicide rate is still alarmingly high when compared, for example, with the homicide rate 2010 average in regions like Latin America (25.49), North America (4.44) or East Asia and the Pacific (1.22).<sup>27</sup>

**Table 2**  
**DEMOGRAPHIC INDICATORS OF EL SALVADOR**

INDICATORS	YEARS																
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Birth Rate Crude (per 1,000 people)	29.17	28.46	27.62	26.67	25.63	24.57	23.55	22.66	21.92	21.36	20.98	20.75	20.61	20.50	20.40	20.29	20.16
Death Rate Crude (per 1,000 people)	6.54	6.51	6.50	6.49	6.49	6.48	6.46	6.45	6.44	6.44	6.45	6.47	6.48	6.50	6.52	6.53	6.54
Life Expectancy (in years after birth)	68.91	69.11	69.26	69.39	69.53	69.70	69.90	70.10	70.30	70.50	70.70	70.90	71.10	71.31	71.52	71.73	71.95
Homicide Rate (per 100,000 inhabitants)	139.13	117.3	112.57	95.00	65.05	59.78	60.17	47.34	55.85	64.64	62.44	64.66	57.32	51.86	70.6	64.67	69.18

Source: World Bank online Database, updated Sep 8, 2013.

In matters of demographic indicators, it will be necessary to evaluate the government expenditure in healthcare and its real impact. It seems that the impact has been positive on birth rate and life expectancy. However, attention should be focused in death rates in general as well as homicide in specific as a cause of death. Government expenditure will be studied in relation of death

<sup>27</sup> World Bank Data, *Intentional Homicides rate*; Op Cit.  
[http://www.google.com/publicdata/explore?ds=d5bncppjof8f9\\_&ctype=l&strail=false&bcs=d&nselm=h&met\\_y=intentional\\_homicides&scale\\_y=lin&ind\\_y=false&rdim=region&idim=region:NAC:EAP:LAC&ifdim=region&hl=en&ind=false](http://www.google.com/publicdata/explore?ds=d5bncppjof8f9_&ctype=l&strail=false&bcs=d&nselm=h&met_y=intentional_homicides&scale_y=lin&ind_y=false&rdim=region&idim=region:NAC:EAP:LAC&ifdim=region&hl=en&ind=false)

rates to find out proof that high expenditure in security is not enough to decrease the homicide rates and, in the same way, it will be considered the impact of homicides in economic indicators as well.

### **2.3.2 Economic Profile**

To roughly understand El Salvador's economic conditions during the last decades, this study will focus in indicators such as Gross Domestic Product (GDP), unemployment and GINI index. It will be considered how homicide rate impacts in El Salvador's GDP. After that, it will be observed the relation between homicide rates as a possible consequence of unemployment and social income inequality, measured by the GINI index.

As shown in Table 3, right after the end of the civil war, since the 1990's decade El Salvador has performed quite good in matters of GDP production. Nevertheless, the GDP growth rate has been very low in the 2000's decade and has shown a negative growth in 2009, as a consequence of the US financial crisis of 2008.

**Table 3**  
**EL SALVADOR ECONOMIC INDICATORS**

Year	GDP Production (current US\$) in Billions of US\$	GDP per capita (current US\$)	GDP Growth Rate	Unemployment Rate	GINI index (1-100 scale)
1995	\$ 8.7741	\$ 1,652.83	6.40%	7.60%	49.88
1996	\$ 9.5478	\$ 1,776.47	1.71%	7.70%	51.20
1997	\$ 10.3918	\$ 1,901.67	4.25%	8.00%	ND
1998	\$ 11.2130	\$ 2,037.05	3.75%	7.30%	54.52
1999	\$ 11.6541	\$ 2,102.39	3.45%	7.00%	52.24
2000	\$ 12.2722	\$ 2,204.16	2.15%	7.00%	ND
2001	\$ 12.8593	\$ 2,307.78	1.71%	7.00%	53.60
2002	\$ 13.3271	\$ 2,381.15	2.34%	6.20%	53.10
2003	\$ 13.9418	\$ 2,495.57	2.30%	6.90%	50.72
2004	\$ 14.6787	\$ 2,611.16	1.85%	6.80%	49.00
2005	\$ 15.8026	\$ 2,814.94	3.56%	7.20%	50.33
2006	\$ 17.0521	\$ 3,042.75	3.91%	6.60%	46.19
2007	\$ 18.4192	\$ 3,283.53	3.84%	6.30%	46.97
2008	\$ 19.6567	\$ 3,483.71	1.27%	5.90%	46.75
2009	\$ 19.1423	\$ 3,341.32	-3.13%	7.30%	48.33
2010	\$ 19.7407	\$ 3,446.00	1.36%	7.00%	ND
2011	\$ 21.1444	\$ 3,691.53	1.97%	ND	ND
2012	\$ 21.7629	\$ 3,777.25	1.64%	ND	ND

\*ND: No Data.

Source: World Bank online Database, updated Sep 8, 2013.

As presented in Table 3, what has remained the same are the unemployment and income inequality indicators because after almost 20 years, since 1995, the rates remain similar. It will be studied if these indexes' stagnation represents a cause for the homicide rate. According to a public survey performed by the Public Opinion Institute of the *Universidad Centroamericana* (UCA) in the Salvadoran territory during July-August 2009, 43.2% of the surveyed people agreed that unemployment is the first cause of

violence in El Salvador.<sup>28</sup> In the same way 99.5% of the people state that it is important to generate employment in order to prevent crime.<sup>29</sup>

Besides, it must be carefully observed that the GDP growth rate of El Salvador, compared to the same index for the Latin American region has always moved near the region average. Some years below the average and some others above it. However, as it is shown in Chart 1 infra, from 2003 El Salvador's rate has dropped below the regional average and it has remained in that position since then. It seems that El Salvador could be in a position of lower performance compared to the rest of the region. This study will find the relation, in case it exists, between the homicide rate and the GDP growth rate in the country.

According to a study performed by the United Nations Program for Development (UNDP) and the Intern American Development Bank (IADB), in 2005 the cost of violence in El Salvador was equal to 11.5% of the Salvadoran GDP. Medical cost was 37.5 million USD; 100,000 years of healthy life are lost and also 259 million USD in production during 2003. Besides the budget given by the government for Public Security, private

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<sup>28</sup> Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*; Universidad Centroamericana "José Simeón Cañas", p 22.  
[http://www.oas.org/dsp/documents/victimization\\_surveys/el\\_salvador/victimizaci%C3%B3n\\_el\\_Salvador\\_2009.pdf](http://www.oas.org/dsp/documents/victimization_surveys/el_salvador/victimizaci%C3%B3n_el_Salvador_2009.pdf), visited november 14, 2013.

<sup>29</sup> Idem p 62.

security cost was 411 million USD. It reduces the investment potential 16% in 2003. The cost of violence in general was 1,717 millions of USD in 2003.<sup>30</sup>

**Chart 1**  
**El Salvador GDP Growth Rate 1995 – 2012**



<sup>30</sup> Betancourt, A.; *¿Cuánto cuesta la violencia en El Salvador?*; Flacso Andes, Centro digital de vanguardia para la investigación en las ciencias sociales, Región Andina y América Latina, <http://flacsoandes.org/dspace/bitstream/10469/2650/1/03.%20Cu%C3%A1nto%20cuesta%20la%20violencia%20en%20El%20Salvador.%20Andrea%20Betancourt.pdf>; visited November 17, 2013.

# CHAPTER THREE: RESEARCH METHODS

## 3.1 METHODOLOGY

As Earl Babbie states, there are three more common and useful purposes for social research: they are exploration, description and explanation.<sup>31</sup> Exploratory research is mainly for newly known or persistent phenomena where the researcher will be highly involved to explore the field. In the descriptive purpose, the researcher will describe the observed events with the final goal to discover and describe the patterns of behaviors and their implications. On the other hand, another purpose is the explanatory, where the reasons why the phenomena occur are the guiding process of the research.

This investigation will be a descriptive-explanatory research about the homicide rate in El Salvador, describing the current situation as well as the policies created by the government and their implementation since 2003 utilizing a deductive approach to explain the policies. Since the homicide rate remained the same throughout years of strongly implementation of policies and high budget injection; this research will try to explain the deep reasons that as a matter of fact are behind the murder conditions in this small country. In the same way, it will also be studied the relation of the homicide rate in the economic and demographic conditions of El Salvador.

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<sup>31</sup>Babbie, Earl; (2013) *The Practice of Social Research*; Wadsworth, Cengage Learning; Canada; 13th Edition; ISBN 978-1-133-05009-4; p 90.



The final end in this investigation is to combine and complement qualitative and quantitative methods, in order to look for the deeper ethnographic explanation of the homicide rates and the impact of this phenomenon in El Salvador, the quantitative approach will be developed to relate the murders with economic and demographic indicators. These indicators represent the quantitative approach that will give the overview of the situation in El Salvador and at the same time will be complemented with the qualitative analysis about Latin culture and tendency for violence.

In qualitative terms, two main approaches will be developed to explain the policies implemented and understand the scenarios where they were executed. The punishment approach and the *right to kill* hypothesis will be the backbone of the qualitative view on this research to understand Salvadoran society and people regarding the attitudes of the population about murders. This qualitative vision would give the reader a complete idea of the complex system behind the situation of crime and violence in El Salvador.

The quantitative analysis will be held by making cross tests among the budget and the economic and demographic indicators of El Salvador. By cross-matching the information it will be possible to accomplish the most precise analysis of the known data. Correlation analysis will be performed to determine whether it exists significant statistic proof that homicides are caused by the income inequality, measured with the GINI Index,

unemployment and whether the investment of more budgets in justice and public security has any effect in homicide rate.

As an academic Salvadoran inhabitant, this researcher sets his position as a nonparticipant observer to describe and explain Latin American culture from an objective point of view; making clear the cultural characteristics of the society and prejudices that might affect people's behavior about crime and violence.

### **3.2 RESEARCH OBJECTIVES**

The objectives in this investigation are:

- a. To know whether the punishment approach is the best solution in matters of homicides control in El Salvador.
- b. To understand the cultural background that makes El Salvador and its people a country prone to violence.
- c. To measure the relation between the homicide rate and the demographic and economic indicators of El Salvador.

### **3.3 SOURCES AND DATA COLLECTION**

In order to support this research and its theoretical basis, literature from several authors regarding the development of gangs in Central America and their impact in social and economic matters would be consulted to establish a solid support for this investigator. Papers, articles, books, websites, journals and personal interviews are the main sources for this research.

The analysis will be mainly qualitative and is going to be held with the already existing homicide indicators from national sources of El Salvador as well as international organizations such as World Bank, United Nations Office on Drugs and Crime, etc. These rates will be linked to the economic and demographic indicators to understand the relation and real impact of the murders in El Salvador.

In addition, interviews to the current Deputy Director of Public Security in El Salvador as well as the Chief of 911 Emergency Division of El Salvador will be held, recorded and transcribed in order to determine their opinions about the effectiveness of the policies. These interviews will also enrich the qualitative analysis regarding the punishment and cultural approach of this investigation.

The qualitative view will be extensively used in this investigation to understand how El Salvador and Latin America in general is a region prone to

violence. The interviews and self-experience of the researcher as a nonparticipant observer will complement the qualitative study to provide the clearest explanation about Latin culture. In the same way, surveys regarding violence and government policies to control crime that were implemented by recognized universities in El Salvador will be consulted to support the qualitative examination.

In order to explore the people's perception for crime, this investigation will refer to surveys that were implemented by the *Instituto Universitario de Opinión Pública* (University Institute of Public Opinion) from the Universidad Centroamericana José Simeón Cañas (UCA) and also studies from the Universidad Francisco Gavidia (UFG), where this researcher serves as a professor.

### **3.4 LIMITATIONS OF THE STUDY**

Through the progress of this research, several limitations were faced to accomplish the final goal and best performance in this investigation. While this research was developed in South Korea, the possibility to contact informants and interviewees in El Salvador was limited and due to the nature of the research for being a sensitive topic for politicians, some officers decided not to participate in the interviews. At the end just two interviewees could be reached, this represents a limitation because it could represent some

biased personal opinions of the topic in matter. Nevertheless, to overcome potential bias, these interviews will not be the main argument in the research but secondary positions to strengthen findings and other authors' arguments in the subject.

Another limitation is the fact that every institution related to public security and homicide rates in El Salvador have their own data control. In some cases sources also contradict themselves or show incomplete information. In that case, it is necessary to cross information with national and international sources.

Since this study is about the whole country in general, no survey that could represent a substantial database that covers the complete territory could be implemented in a short period of time. Instead of that, this investigation will refer to national surveys implemented by two of the more prominent universities in El Salvador in matters of the people's opinion about crime and violence in the country.

The budgets that will be tested are the national investments in Justice and Public Security, because the *Mano Dura* specific budgets are not available but the increase throughout time in the Justice and Public Security budget is due to the *Mano Dura* plans implementation. Nowadays, what is known in El Salvador is that former official party's government (ARENA) committed several corruption actions in diverse government branches, and the budget of

some plans and programs was eliminated before the new government in 2009 took office.

### **3.5 VALIDITY AND RELIABILITY**

With the purpose to ensure the trustworthiness of this research, the performed interviews were properly audio-recorded and transcribed in English to be opportunely consulted. Multiple and diverse national and international sources were consulted to increase the validity of the study.

Economic and demographic indicators as well as public opinion from several sources, including surveys and interviews are crossed to improve the fidelity of the study. The surveys selected for the study are performed by recognized Salvadoran universities to ensure their reliability.

In matters of national indicators, they will be historically described prior the *Mano Dura* policies implemented to have a solid background and evaluate the real impact of the homicide rates in the country.

## CHAPTER FOUR: ANALYSIS AND RESULTS

### 4.1 GOVERNMENT POLICIES AGAINST HOMICIDES

As it could be seen in Table 2 about Salvadoran demographic indicators, the death and homicide rates remain virtually the same since the early 2000's. In addition, considering that the population is continuously increasing and those rates remain the same, the logic consequence is that deaths in general, and most importantly homicides, are also increasing.

According to the report *Crime and Violence in Central America: A Development Change*; published by the World Bank. One of the hypotheses they sustain to explain the violence in the region is due to the recently finished wars. It states that recent conflicts could have a causal relation to the higher levels of violence, because of the weapons and ammunitions remained from the wars. Besides being legally allowed to have a firearm in El Salvador, a lot of weapons circulate in the region illegally.

During 2007, in El Salvador the estimated amount of non-registered firearms was more than two times bigger than those weapons legally registered.<sup>32</sup> This high amount of weapons on the streets represents a challenge for the authorities. The possibility to control the use of firearms in a society where

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<sup>32</sup>*Crime and Violence in Central America: A Development Change*; Op Cit p 20.

there is no certainty of the quantity of weapons owned by the population is just beyond the government reach. And the problem becomes worse when guns like assault rifles, rocket launchers, grenades and even machine guns have been found illegally in possession of civilians and gangsters.

**Table 4<sup>33</sup>**  
**Firearms Owned by Civilians in Central America,**  
**2007**

Country	Registered	Estimated	Guns per 100 people
Costa Rica	43,241	115,000	2.8
El Salvador	198,000	450,000	7.0
Guatemala	147,581	1,950,000	15.8
Honduras	133,185	450,000	6.2
Nicaragua	NA	385,000	7.0
Panama	96,600	525,600	5.4

Sources: Karp 2008; Arias Foundation 2005.

Commissioner Juan Mauricio Amaya Alfaro, current Deputy Director of Public Security in El Salvador explains that the National Civil Police has continuous plans for firearms verification, confiscating weapons in the streets and also verifying that registered weapons have their licenses updated. Commissioner Amaya Alfaro says at the same time that preventive plans to control weapons trafficking through legal and illegal border crossings are implemented.<sup>34</sup> Nevertheless, it seems that these tasks cannot control the high movement of illegal firearms.

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<sup>33</sup> Note: *Firearms Owned by Civilians in Central America*, Adapted from *Crime and Violence in Central America: A Development Change*; Op. Cit. p 20.

<sup>34</sup> Cfr. Appendix *Interview for Public Security officers from El Salvador*; translation transcript from Spanish audio.



In addition, Inspector Juan Bautista Rodríguez Godínez, current Chief of the 911 Emergency Division of El Salvador explains that one of the policies that has successfully been implemented is the weapons ban in some cities and specific places. This effort must be integrated by central and local governments. He also adds that the police implement the Weapons Restriction Law as the repressive arm of the government.<sup>35</sup> He says that illegal confiscated firearms are processed in police laboratories to determine their origin.

In opposition of what the World Bank, Inspector Rodríguez Godínez explains that these firearms might be the remains of previous civil wars in the region; he also mentions that the high amount of non-registered weapons is mainly due to the trafficking. He explains that besides the remaining arsenal after the Salvadoran civil war, the movement of illegal weapons among neighbor countries is a common activity because people can purchase firearms with high caliber at a very low price, compared to the legal market.<sup>36</sup>

Besides, nowadays citizens seem to be reluctant to the idea of obtaining a weapon to guarantee their own security. According to the consulted UCA survey, 76.8% of the consulted population showed disagreement when asked

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<sup>35</sup>Idem.

<sup>36</sup>Idem.

whether getting a weapon would be a solution to face the current situation of criminality.<sup>37</sup>

As above was mentioned, since March 2012 the two biggest gangs in El Salvador (MS-13 and M-18) agreed a truce to reduce the high level of violence between each other. As a good will action, during the truce the gangs have given up part of their arsenal to the authorities. This arsenal contained 267 weapons and included M-16 rifles, pistols and grenades. This is just a sample of all the weapons circulating illegally in El Salvador.<sup>38</sup>

#### **4.1.1 El Salvador National Budget for Justice and Public Security**

El Salvador government has progressively invested large budgets to the Justice and Public Security areas as an attempt to reduce the homicide rates. At the same time, key areas that could potentiate social development such as health and labour are not receiving the proper importance in matter of assigned budget, compared to areas like defense.

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<sup>37</sup> Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*; OpCit p 55.

<sup>38</sup> AFP/El Faro; (2013, March 11th). *Las pandillas entregan 267 armas en el primer aniversario del traslado de sus líderes*; El Faro. Retrieved from <http://www.elfaro.net/es/201303/noticias/11346/>, visited June 30th, 2013.

In Table 5 there is a detailed comparison of the budgets assigned to the areas related to the matter of study in this research, the homicides. The government assigns budget for *Justice and Public Security* and it summarizes the amount of money received for all institutions related to crime control from Courts, Prosecutor's Office, Police, etc. This table compares the amount received by these institutions during the 2002 – 2012 decade with other areas such as *Health, Education, Defense* and *Labour*. Chart 2 shows the gradual allocation of resources in each area.

It is important to mention that although El Salvador is not in a situation of war and is not even close to it, the Ministry of Defense is still receiving its permanent proportion of budget that is a lot larger than the amount received by other entities, like the Labour branch. For instance, it could be observed in Table 5 that in 2005, the budget received by the Ministry of Defense (170,163.9 thousands of US\$) is 24 times larger than the amount received by the Ministry of Labour in the same year (6,985 thousands of US\$). This represents a major issue in a country where unemployment rate has remained unchangeable over the last fifteen years in a growing Salvadoran population, as can be proved in Table 3 *supra*. Based on Table 5, it can be observed in Chart 3 the progressive increase in the proportion of budget assigned for Justice and Public Security.

Nevertheless, Education has also increased in the approximate same proportion comparing 2002 and 2012. Besides, Health has increased more over the decade, from 6.6% in 2002 to 11.7% in 2012.

**Table 5**  
**EL SALVADOR HISTORIC NATIONAL BUDGET IN SELECTED AREAS**  
**(Thousands of US\$)**

Management Area*	2002	%	2003	%	2004	%	2005	%
Justice and Public Security	\$ 349,014.1	10.0%	\$ 339,253.6	12.8%	\$ 353,489.5	11.8%	\$ 388,354.0	12.1%
Defense	\$ 140,579.2	4.0%	\$ 106,593.2	4.0%	\$ 106,838.1	3.6%	\$ 170,163.9	5.3%
Education	\$ 495,510.4	14.2%	\$ 496,677.0	18.7%	\$ 485,442.4	16.2%	\$ 507,108.6	15.8%
Health	\$ 229,948.2	6.6%	\$ 245,747.6	9.3%	\$ 247,226.5	8.3%	\$ 293,946.8	9.1%
Labour	\$ 6,433.2	0.2%	\$ 6,101.7	0.2%	\$ 7,289.7	0.2%	\$ 6,985.0	0.2%
<b>Total National Budget</b>	<b>\$ 3,501,742.6</b>	<b>100%</b>	<b>\$ 2,651,014.0</b>	<b>100%</b>	<b>\$ 2,992,645.3</b>	<b>100%</b>	<b>\$ 3,214,131.3</b>	<b>100%</b>

Management Area*	2006	%	2007	%	2008	%	2009	%
Justice and Public Security	\$ 438,007.8	11.8%	\$ 494,552.0	14.9%	\$ 604,159.7	16.4%	\$ 586,468.1	12.0%
Defense	\$ 113,980.8	3.1%	\$ 120,361.4	3.6%	\$ 124,894.0	3.4%	\$ 135,291.8	2.8%
Education	\$ 529,827.0	14.3%	\$ 583,343.1	17.6%	\$ 636,012.6	17.3%	\$ 760,417.0	15.5%
Health	\$ 329,241.0	8.9%	\$ 350,650.4	10.6%	\$ 369,573.6	10.0%	\$ 428,785.2	8.7%
Labour	\$ 7,857.7	0.2%	\$ 9,278.1	0.3%	\$ 9,462.0	0.3%	\$ 10,256.2	0.2%
<b>Total National Budget</b>	<b>\$ 3,710,935.8</b>	<b>100%</b>	<b>\$ 3,314,372.0</b>	<b>100%</b>	<b>\$ 3,678,222.7</b>	<b>100%</b>	<b>\$ 4,906,144.9</b>	<b>100%</b>

Management Area*	2010	%	2011	%	2012	%
Justice and Public Security	\$ 619,616.6	15.2%	\$ 639,104.4	12.7%	\$ 655,658.4	14.6%
Defense	\$ 146,888.5	3.6%	\$ 163,313.5	3.2%	\$ 160,614.8	3.6%
Education	\$ 695,974.7	17.0%	\$ 769,784.7	15.3%	\$ 833,230.2	18.5%
Health	\$ 447,809.1	11.0%	\$ 488,886.4	9.7%	\$ 526,003.5	11.7%
Labour	\$ 11,728.3	0.3%	\$ 12,942.7	0.3%	\$ 13,126.3	0.3%
<b>Total National Budget</b>	<b>\$ 4,086,394.0</b>	<b>100%</b>	<b>\$ 5,029,785.0</b>	<b>100%</b>	<b>\$ 4,495,116.9</b>	<b>100%</b>

\*Justice and Public Security refers to all government dependencies related to justice and public security implementation such as Prosecutor Office, Supreme Court of Justice, Attorney's Office, Human Rights Attorney's office and Ministry of Justice and Public Security, which is in charge of Police, Prisons' System and Rehabilitation and Reintegration.

On the other hand, *Defense, Education, Health and Labour* refer to specific Ministries in charge of each of these areas. No other entity is related to these areas besides the Ministries presented in this table.

Source: El Salvador National Budget, Ministry of Finance's website:

<http://www.mh.gob.sv/portal/page/portal/PMH/LAIP/ApartadoEspecial/InformeEjecucion>; visited january 23rd, 2013.

Chart 2

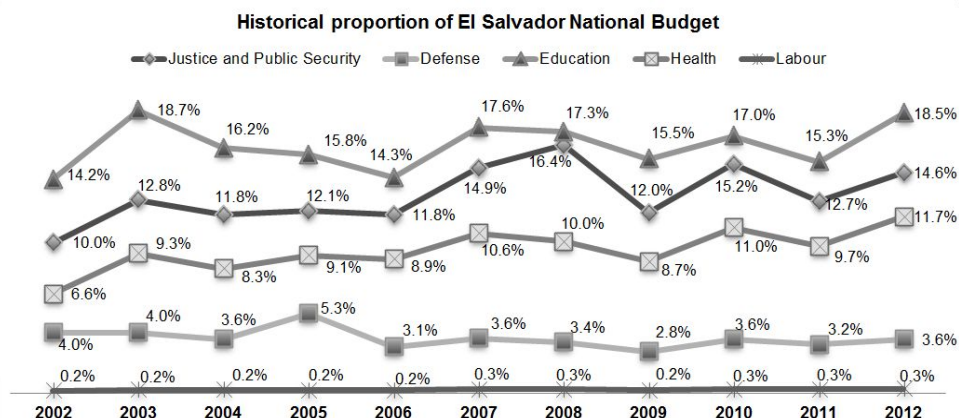
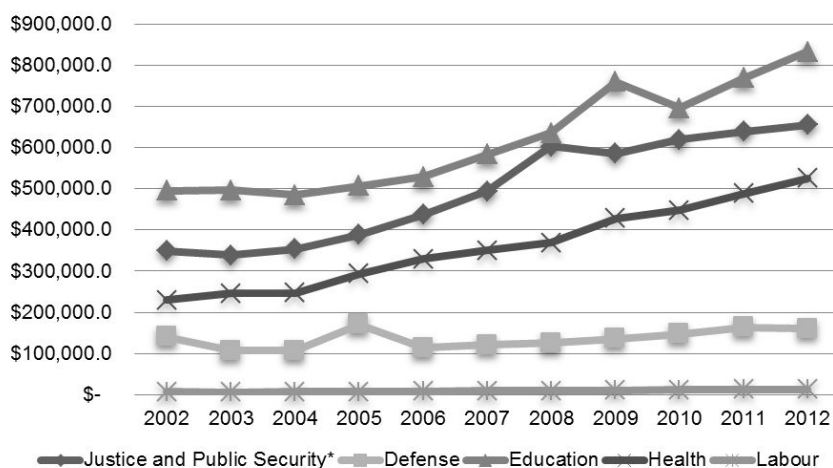


Chart 3

**El Salvador Historic National Budget**  
Thousands of US\$



The important fact that must be mentioned is that, against constitutional basis, the Ministry of Defense has also been involved in public security since 2003. In that case, by adding Justice and Public Security plus Defense, the result is a similar proportion of budget as Education, which is the Ministry that currently

receives the highest amount of resources among all the government branches in El Salvador.

This distribution of budget in El Salvador government structure raises the need to understand some of the possibly misguided policies to reduce crime and homicides. It is convenient to depart from Boutellier's viewpoint, stating that if a state reacts violently to violence, a trend of permanent retaliation is generated in both positions: criminals and the state. Since it is not possible to expect from criminals to behave in a rational way, then the government is the one supposed to do it.

Based on Boutellier critics over the punishment approach, it can be said that *safety* is in fact just a utopia. In the measure that societies become more complex and the existence of a permanent threat, there are just no limits for safety. He sustains that a situation of complete safety is just unattainable in any country despite of the policies created to reduce violence and crime and it is not worthy to be desired.<sup>39</sup>

Besides this statement, he also adds several critiques to the punishment approach, stating that the programs usually created for rehabilitation and crime control respond to the wrong vision and in consequence will have the wrong results. With this point of view, it is necessary to analyze if Boutellier's critique could define the Salvadoran case.

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<sup>39</sup>Bouttelier, Op Cit p 119.

The following part is a description of the *Mano Dura* and *Super Mano Dura* policies, to understand the implementation of policies against crime and homicides since 2003. It will be useful as well, to refer to the Punishment theory in criminal law as a theoretical approach that will help to explain the motivations of the policies and their nature.

#### **4.1.2 *Mano Dura* and *Super Mano Dura* Policies**

##### **a) Punishment Approach**

In El Salvador, policies like *Mano Dura* and *Super Mano Dura* were created by the government while the country was going through one of the worst times in its history in terms of crime and murders. Coming from a situation of civil war that finished in 1992, population was still sensitive and with weapons which possession is common in the country.

On July 23rd 2003, former president Francisco Flores ordered the deployment of the police corps in a so-called *Plan Mano Dura* (Iron Fist Plan). The purpose was to identify and capture all members of the gangs, known as *maras* in El Salvador. At the same time, he advocated for the approval of the *Ley Antimaras* (Antigangs law) in the parliament.

This new law created to punish gangsters was highly ambiguous. The prison sentences for the sole fact of belonging to a gang were from two to five years. Members were identified with uncertain criteria such as those people who meet regularly, claim territory, use symbols to communicate and identify themselves and mark their bodies with tattoos.<sup>40</sup> There was strong disagreement from the opposition parties due to its controversy regarding human rights, since it raised punishment against ambiguous individuals. Criminalizing anyone with tattoos generated “(...) *suspicion and stigma against youth in a country where 40% of the population is younger than 18, according to the 2007 census.*”<sup>41</sup>

It is evident that the measures taken by the government were inaccurate since they did not focus on the real origin of the safety issues. The governments stigmatized the youngsters and tried to present *Mano Dura* as the only solution for the problem. Since people were aware of the existing problem, publicity rapidly moved public opinion mostly in favor of these policies. The population needed a quick solution and it seemed viable.

In order to accomplish its goals and obtain the support of the public opinion on its policies, in 2003 the Salvadoran government started a huge mass media campaign, spending thousands of dollars in publicity. In the official speech, gangs were held responsible of the crime situation. In the official speech, the

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<sup>40</sup>Creedon, K. (2003). El Salvador: War on Gangs. *NACLA Report On The Americas*, 37(3), p 1.

<sup>41</sup> Salvadoran Gangs: Brutal Legacies and a Desperate Hope. (2009). *NACLA Report on the Americas*, 42(6), p 34.



government showed itself aggressive against gangs and announced the new policies to be implemented, which were mainly punitive and with no chance for a more reasonable solution of the problem. It was seen as an immediate and short term solution.

**Table 6.<sup>42</sup>**

<b>Motives for Murder in El Salvador</b>				
<b>Motive</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Common crime	57.4%	33.7%	23.3%	18.2%
<i>Gang Crime</i>	8%	9.9%	13.4%	10.7%
Unknown	28.9%	48.4%	59%	59.1%
Others	5.7%	8%	4.3%	12%

Source: Institute of Legal Medicine, El Salvador

In his personal opinion, Commissioner Amaya Alfaro explains that the gangs have been committing 60% of the crimes since those years. All the plans implemented by the police were focused mainly in the dismemberment of the gangs' structures.<sup>43</sup> According to him, the explanation of the mismatch in the information regarding murders between the Institute of Legal Medicine of El Salvador and the police is that it is common that at the time of the crime, the author of the murder is unknown; in that case, the following investigation will reach to the conclusion whether the author was related or not with gangs.<sup>44</sup> This opinion is also in accordance to Inspector Rodríguez Godínez, who says that each institutions has different information but at the end, he

<sup>42</sup> Note: *Motives for Murder in El Salvador*, Adapted from *Crime and Violence in Central America: A Development Change*; Op cit p 16.

<sup>43</sup> Cfr. Appendix.

<sup>44</sup> Idem.

agrees that the criminal investigation of the police could eventually determine that those murders with unknown cause have been also a consequence of the gangs.<sup>45</sup>

Regardless *Mano Dura* plan results such as the average of 7.4 homicides a day in 2004, in August 30, 2004 the recently elected president Antonio Saca established a new plan called *Super Mano Dura* (Super Iron Fist). This new plan was a renewal of the former *Mano Dura* plan that was implemented by his predecessor. The main purpose and reason for its creation was in order to overcome the constitutional limitations that *Mano Dura* had.

With this new plan, President Saca ordered immediate deployment of 14 thousand police officers and military infantry soldiers in the so called *Grupos de Tarea Antipandilla* (Antigang Task Group). Thousands were captured but were not prosecuted because of the lack of evidence. By 2005, El Salvador was the most violent country in the continent.

The percentage of gang members who assisted to hearings and were convicted was minimum compared to all the captures that were done. This is also due to the lack of participation of victims and witnesses during the hearings. In fact, the witnesses programs in El Salvador are weak; Commissioner Amaya Alfaro, in his personal opinion mentions that victims and witnesses are too vulnerable and there are cases where the victimizer can make them “disappear”

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<sup>45</sup>Idem.

to be absolved of the charges.<sup>46</sup> They are immediately target of criminals and in response they would rather decide not to report a crime or not to participate in the prosecution process.<sup>47</sup> According to the UCA survey, 60.2% of the people agreed that there is a very low possibility of the judicial system to process and punish convicts.<sup>48</sup> People do not support each other and in consequence this becomes not an acceptance but instead, it is a lack of rejection to crime.<sup>49</sup>

In the opinion of Commissioner Amaya Alfaro, he explains from his personal point of view that at the beginning it was successful when the *Mano Dura* and *Super Mano Dura* plans were implemented because the police was able to massively capture the gang's members. Nevertheless, the prosecution system did not guarantee to keep the gangsters in prison and, after a short period of time they were freed. In addition, by concentrating them in prisons, it gave the gangsters the possibility to improve their crime skills by being in close contact with more and worse criminals.<sup>50</sup>

The opinion of the Commissioner Amaya Alfaro is also confirmed by Inspector Rodríguez Godínez, from 911 Division, since he explains that these *Mano Dura* and *Super Mano Dura* plans had their own level of effectiveness

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<sup>46</sup>Idem.

<sup>47</sup>Idem.

<sup>48</sup> Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*;

OpCit p 96.

<sup>49</sup>Cfr. Appendix

<sup>50</sup>Idem

because, in the existing scenarios of criminality in El Salvador during those years, where a high outbreak of gangs was experimented, he says that the government measures could control them.<sup>51</sup>

Inspector Rodríguez Godínez adds, from his personal point of view and not as an official that expectations on these plans were too high because it was hoped that homicide's incidence would be eliminated in El Salvador, but they were committed by complex criminal structures, like the gangs. However, additional plans to be sustainable throughout time were missing. The police performed just the repressive immediate role.<sup>52</sup>

El Salvador government has made enormous efforts in order to reduce violence. At the arrival of current president Mauricio Funes in 2009, several policies were implemented by the previous governments –which belonged to the contemporary biggest opposition political party ARENA (Alianza Republicana Nacionalista)–.

By 2009 gangs have become stronger and their members more difficult to identify by controlling their use of tattoos, clothes and hair styles. They moved to less public locations, specializing crime and evolving more dangerous. They started to use industrial firearms, becoming more lethal.<sup>53</sup>

And as Inspector Rodríguez Godínez personally explains, there is no real

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<sup>51</sup>Idem.

<sup>52</sup>Idem .

<sup>53</sup>Wolf, S. (2012). Mara Salvatrucha: The Most Dangerous Street Gang in the Americas? Op Cit p 72.

statistic data about the amount of gang's members in El Salvador. Besides, the gangsters' families, their wives and children will support gang activities even though they are not actual members of the gang. This places the authorities in disadvantage in terms of investigation and crime control.<sup>54</sup>

By citing Garland, Boutellier says that states might become schizoid, enhancing crime and punishment field and encouraging criminals to move forward.<sup>55</sup> This schizophrenic attitude of the Salvadoran government can be observed in the way the *Mano Dura* plan was designed. It was the first step on law enforcement that evidently generated stigma over the young people.

While societies become more and more complex, crime trend is also to become more complex. The only actor able to control it is the state but it faces the challenge of being unable to adapt quickly enough. Through policy strengthening, the state becomes more punitive and makes its possible way against crime but it tends to be inadequate, according to Boutellier.<sup>56</sup>

In addition to the previous critique, Boutellier also highlights that hard policies can be populist and politicized.<sup>57</sup> That is exactly the case in El Salvador. Notwithstanding the reiterated failure of the *Mano Dura* policies, the government obstinately continued to strengthen these plans and deploying police and military forces for years. Authorities showed *Mano Dura* as the

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<sup>54</sup>Cfr. Appendix

<sup>55</sup>Bouttelier, Op Cit p 122.

<sup>56</sup>Idem p 123.

<sup>57</sup>Idem.

only solution for the crime issue, making gangs responsible of it. These policies were even implemented near political elections as a populist measure to ensure votes in favor from the population.<sup>58</sup>

One of the biggest critiques on the Salvadoran government regarding homicide reduction policies is the weakness of the social rehabilitation programs for ex-convicts. The programs are more focused in punitive measures than in the generation of an inclusive alternative for criminals.

Besides *Super Mano Dura* plan, President Saca also promoted additional alternatives in order to offer rehabilitation options for convicts. His government plans were denominated *Mano Amiga* (Friendly Hand) and *Mano Extendida* (Extended Hand). Although they were widely promoted, what is a fact for researchers is that these plans “were politicized, incoherent and underfunded”<sup>59</sup>.

By looking at the assigned budget for the Ministry of Justice and Public Security of El Salvador, it is evident that most of the assigned resources are for the patrolling tasks of the police and also for the maintenance of the prisons. Even though the purpose of the penitentiary system is to provide social rehabilitation to the convicts, the budget destined to obtain “*Police*

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<sup>58</sup> Wolf, S. (2012). Mara Salvatrucha: The Most Dangerous Street Gang in the Americas? Op Cit p 72.

<sup>59</sup> Wolf, S. (2012). El Salvador's Pandilleros Calmados: The Challenges of Contesting Mano Dura through Peer Rehabilitation and Empowerment. *Bulletin Of Latin American Research*, 31(2), 190-205. doi:10.1111/j.1470-9856.2011.00609.x; p 191.

*Effectiveness*” is almost ten times bigger than the amount assigned to *“Imprisonment and Rehabilitation”*<sup>60</sup>, as it can be observed in Table 7 infra.

In addition, through Salvadoran territory there are 19 prisons the overpopulation has become a problem with no easy solution. In the period 2005-2007 the capacity of the system to hold prisoners was 7,770, however the existing population during that period of time was 12,581. As if not enough, in 2011 the capacity of the system was improved to 8,187. But the existing population of prisoners increased substantially to the degree that in 2011 it had become 24,399. The capacity was exceeded on that year 298 per cent. And the problem is still becoming worse.<sup>61</sup>

Besides being overpopulated, the total amount of prisoners during the last decade has double sized. While in 2002 the quantity of prisoners per 100,000 inhabitants was 177, but in 2011 the total proportion rose to 322<sup>62</sup>, in a system where the improvement had not been double sized and the reintegration programs remain weak and unable to follow up all the prisoners in the system.

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<sup>60</sup> *Presupuestos Ministerio de Justicia y Seguridad Pública* (Budgets of the Ministry of Justice and Public Security); Official publication of the Ministry, documents available: Budgets from 2010, 2011 and 2012.  
[http://www.seguridad.gob.sv/index.php?option=com\\_phocadownload&view=category&id=13:p&Itemid=63](http://www.seguridad.gob.sv/index.php?option=com_phocadownload&view=category&id=13:p&Itemid=63).

<sup>61</sup> Carranza, E. (2012). *Situación Penitenciaria en América Latina y el Caribe ¿Qué hacer?*; *Anuario de Derechos Humanos*; Centro de Derechos Humanos, Facultad de Derecho de la Universidad de Chile; Chile p 34.

<sup>62</sup> *Idem* p 36.

Boutellier supports rehabilitation systems by stating that convicts should reward the society for the damage they have done to it. Nevertheless, imprisonment as the only solution offered to decrease criminality represents the most drastic policy and in consequence generates exclusion in the population, as Boutellier states: “*The prison was also rediscovered as a way to exclude people from society.*”<sup>63</sup>

**Table 7**  
**El Salvador: Police Effectiveness vs Imprisonment and Rehabilitation**  
**(Budget in US Dollars)**

Area	Year		
	2010	2011	2012
Police Effectiveness (Regular police tasks)	\$ 205,773,200	\$ 207,249,200	\$ 218,193,205
Imprisonment and Rehabilitaiton	\$ 28,670,265	\$ 31,930,090	\$ 34,888,190

Source: Budgets of the Ministry of Justice and Public Security; Official publication of the Ministry

Since no proper rehabilitation programs are offered in El Salvador, the result is a more divided society and a tendency for violence. This argument is also supported with the personal opinion of Inspector Rodríguez Godínez who says that in Salvadoran society are required sustainable plans in a long term strategy. Plans like *Mano Dura* and *Super Mano Dura* should be accompanied with efficient rehabilitation and reintegration entities. The problem was not the repressive plans but the fact of relying only on them to control crime.<sup>64</sup>

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<sup>63</sup> Boutellier, Op Cit p 124.

<sup>64</sup> Cfr. Appendix



From the people's point of view, while consulted about their opinion regarding the results of the *Super Mano Dura* plan, 41% considered that this plan did not contribute “*at all*” to reduce the crimes generated by gangs in El Salvador. In addition, 33% said that the plan contributed “*not much*” to the crime control.<sup>65</sup> That represents a 72.5% of unacceptance of the *Super Mano Dura* plan by the surveyed population. In the same survey, 81.4% of the people consider that the government should change its public security policy. When asked about the nature of the laws, 89.3% agreed that the government should enhance the punishing laws for criminals.

According to a survey held by the Francisco Gavidia University (UFG) during October 2013, 60% of the people consider *Insecurity* the main problem in El Salvador. In addition, 14.7% says that unemployment is also another main issue to be faced by the government.<sup>66</sup> In the same survey, 40.9% of the consulted population considers that the Ministry of Security and Public Security has done a bad job during the last years.

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<sup>65</sup> Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*; OpCit p 45.

<sup>66</sup> Centro de Estudios Ciudadanos; *Resultados encuesta de evaluación de la gestión del Presidente Mauricio Funes e intención de voto Elecciones 2014*; Universidad Francisco Gavidia. P 10. <http://www.ufg.edu.sv/encuesta2011.html>, visited November 14, 2013.

## **b) Cultural Approach**

Now it is important to take into considerations the reasons why El Salvador seems to be prone to violence. Some theorists sustain that Latin America in general is a region where the tendency for violence is high and it has its origins deep in the culture of the people. From this point of view, El Salvador is not the exception.

By observing Table 6 suprait is clear that lots of homicides are committed by people that do not belong to the gangs. Or the motives are unknown. The answer that might lead this research to understand those murders could be in the *Right to Kill* hypothesis.

As it was mentioned before, this study was developed in Caracas, Venezuela by Briceño-León, Camardiel and Ávila. Although their research was performed in 1996-1997 in several cities in Latin America and Spain, its results are helpful enough to understand the situation in El Salvador regarding violence because, as can be seen in Table 8, which is one of the given results in their research: San Salvador, capital city of El Salvador has the highest percentage of approval regarding the right to kill to defend one's family. According to them, the cultural base could represent a justification of homicide in certain scenarios:

**Table 8.<sup>67</sup>**  
**Attitudes Toward the Right to Kill to Defend's One's Family**

	Percentage of Approval <sup>a</sup>	Percentage of Rejection <sup>b</sup>	Quotients of Odds for Rejection vs. Approval
Bahía	59.5	37.9	0.6370
Cali	47.3	47.5	1.0042
Caracas	70.2	26.2	0.3732
Madrid	47.2	48.4	1.0254
Rio de Janeiro	60.4	34.7	0.5745
San José	60.2	32.6	0.5415
San Salvador	59.5	33.7	0.5664
Santiago	59.9	33.1	0.5526

a. *Strongly agrees* or *agrees* on a Likert-type scale.

b. *Strongly disagrees* or *disagrees* on a Likert-type scale.

According to this cultural base, the defense of one's family is not related to the danger of death. It could be related to morality. The rape of one's wife or daughter could be accepted as a justification to kill. Although rape is not in fact a murder, it could be morally considered as wrong as killing.<sup>68</sup>

From Briceño-León et al point of view, it can be observed that the action of murder is not necessarily as self-defense, because it also exists cases where in order to compensate the damage received, the victim or his relatives will take revenge. At the same time, people might take actions to eliminate those individuals that could be considered to be out of the framework of what is accepted as correct. These individuals could be thieves, prostitutes, gangsters, etc. It would be some kind of revenge with the purpose to "(...) *eliminate a social problem by making those who create it physically disappear.*"<sup>69</sup>

<sup>67</sup> Note: *Attitudes Toward the Right to Kill to Defend's One's Family*, Adapted from *Attitudes Toward the Right to Kill in Latin American Culture*; Op. Cit. p 309.

<sup>68</sup> Briceño-León, Op Cit p 304.

<sup>69</sup> Idem p 305.

These kinds of action could be observed in certain groups in Latin America during 1990 decade like the self-called *Toxicol 90* in Colombia or *Sombra Negra* (Black Shadow) in El Salvador. These groups were broadly known and, in the case of *Sombra Negra*, they focused their attention in eliminating gang's members.

In the cases of vengeance or moralistic violence, laws are permanently created because it is the state's responsibility to punish or establish order in society. But at the end, people are permissive and tolerate these crimes which in consequence limit the state's capacity to control criminals.

On the other hand, one of the aspects that must be closely observed in the case of El Salvador is that Salvadoran people with higher education are the ones who support more the *Right to Kill* in four of the five scenarios proposed by Briceño-León et al in their investigation. The scenarios where high educated Salvadorans support the *right to kill* are to defend family, to kill a daughter's rapist, to kill a person who threatens the community and for "social purge"<sup>70</sup>. Therefore, according to their research, literacy does not seem to determine if Salvadoran society would be more peaceful. In contrast, it is the most educated people the ones who are the strongest supporters of violent responses to violence. It cannot be said that people are unaware of the difference between good and evil; instead, people knows the difference and

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<sup>70</sup>Idem p 313.

chooses to support social revenge. At this point, the role of the state is questioned.

Inspector Rodríguez Godínez explained for this research that *“While plans like Mano Dura were being implemented, in our country a new problem has developed: revenge.”*<sup>71</sup> He explains that this phenomenon comes as the consequence of gangs’ crimes because victims or their relatives are encouraged to take revenge. At the end criminals are regular civilians with no relations with the gangs who committed a crime with revenge motivation.<sup>72</sup>

Nonetheless, this revenge attitude or cultural approach is contradicted when observing the results of the social study of the UCA. When the citizens in El Salvador were asked whether the best measure to face delinquency was by taking justice in their own hands, 76.2% opposed to that statement. Only 22.9% agreed to take justice in their own hands.<sup>73</sup>

Inspector Rodríguez Godínez also talked about the cultural background in Central America that might explain the situation of violence in El Salvador. In his personal opinion he says that violence is deeply rooted in the economy, society and history of the region. Living in societies with high levels of unemployment, expensive healthcare, low access to education and a very

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<sup>71</sup>Cfr. Appendix

<sup>72</sup>Idem.

<sup>73</sup>Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*; Op. Cit. P 57

unequal system in general makes people unsatisfied. In addition, governments are not able to guarantee health, education, security and prosperity in a country like El Salvador.<sup>74</sup>

In addition, people is supportive to strong punitive legislation to control crime because at the end is the only foreseeable solution that could represent immediate solution of the problem in a public survey performed by UCA, 76.8 of the consulted people considered that the existing laws against criminals “*are too soft*”<sup>75</sup>.

## 4.2 EVALUATION OF DATA

To analyze the collected data in this research, SAS software was used to run regressions with the purpose of determining which variables are more related in a cause – effect relationship. In the same way, it was also necessary to investigate the level of dependence among the variables and how do they affect each other.

The variables to be studies are *Unemployment*, defined by the International Labour Organization as the members of the economically active population who are without work but available for and seeking work. The next variable is

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<sup>74</sup> Cfr. Appendix

<sup>75</sup> Instituto Universitario de Opinión Pública, *Victimización y percepción de inseguridad en El Salvador, Consulta de Opinión Pública de julio-agosto de 2009*; Op. Cit. P 23.

the *GINI index*, which measures the extent to which the distribution of income among individuals or households within an economy deviates from a perfectly equal distribution.

The third variable is *Budget* which is the official compilation of the budgets invested for Justice and Public Security in El Salvador. After the implementation of the *Mano Dura* plans, the budgets increased as the resources for these plans were allocated in Justice and Public Security branch. Due to the non-existing specific data from *Mano Dura* plans, the budget for the branch will be used as reference variable.

The last variable to be measured is *Homicides*, this is the dependent variable and the purpose of the analysis is to observe the level of influence of the three previous independent variables over the homicides in El Salvador. The obtained result is this:

After running SAS test, the obtained R-Square is 0.6598, which indicates that the regression can broadly explain the tested data. At the same time the P-value for Unemployment is 0.0005. This is the highest P-value and it determines the following understanding of the data.

Parameter Estimates					
Variable	DF	Parameter Estimate	Standard Error	Valor t	Pr >  t
<b>Intercept</b>	<b>1</b>	-119.42889	90.10694	-1.33	0.2097
<b>Unemployment</b>	<b>1</b>	42.19356	9.01772	4.68	0.0005**
<b>Gini_Index</b>	<b>1</b>	-1.98619	1.93858	-1.02	0.3258
<b>Budget</b>	<b>1</b>	0.00002259	0.00001146	1.97	0.0893***

R square 0.6598

\*\*significant at 0.05

\*\*\*significant at 0.1

From the performed analysis it can be inferred that the variable *Gini Index* do not significantly affect *Homicides*. In this case it can be said that in this research there is no statistic proof that could explain homicides as a consequence of income inequality in El Salvador during the last decade.

About the *Budget* variable, it is significant at 0.1 which indeed is not high but as a matter of fact can be said that has a low significant impact on homicides rate. The little relation observed is positive which means that although the budgets have increased, homicides have not been reduced.

It is only *Unemployment* that proved to have a statistically positive significant impact on homicide rates. This means that the higher the unemployment rates, the higher the homicide rates will be.



## CHAPTER FIVE: SUMMARY AND CONCLUSIONS

### 5.1 SUMMARY OF KEY FINDINGS

Besides having explained homicides with the variable *Unemployment*, it is necessary to make clear that another important finding is the fact that *Budget* is not highly affecting homicides. The expected result between *Budget* and Homicides variables was a negative relation between them, where the increase of budget will result in a decrease of homicides, but instead, what is observed is that there is no statistic significant relation among them.

When observing the homicides issue from the Punishment approach, it is evident that the government created programs destined to punish criminals but did not offer alternatives to reintegrate them in the society. As Table 7 supra shows, the priority of the government is defined in such populist way that has invested unbalanced budgets to police tasks compared to imprisonment system.

At the same time, according to the surveys developed by the referred Salvadoran universities UCA and UFG, there is no such way as violent tendency in El Salvador. Instead, people are more reluctant to the use of firearms by civilians and at the same time, citizens consider that they are not likely to take justice in their hands in case they face any crime situation that affected them.

In terms of El Salvador GDP growth rate, it can be observed in Chart 1 that since 2003 the growth rate of El Salvador has been synchronized with the regional Latin American and the Caribbean rate. Nonetheless, its behavior has been significantly below the average and has had no opportunity to overcome its lower position in the region up to 2012. It is needless to say that there are many factors that as a matter of fact also have incidence on the GDP growth rate; however, violence, criminality and homicides in specific could highly influence the economic performance of a country. El Salvador is no exception and since the starting of the *Mano Dura* plans in 2003 the economy seems to be also influenced in its low performance by the crime situation of the country.

Some other aspects that also are affected due to homicides are the *Life Expectancy* and *Birth Rate*. The more homicides it is, the lower the life expectancy will be. In economic terms this is also critical since the main support of the Salvadoran economy is its labor force. In a long term, the current high rate of homicides will affect the economic performance of the country as well.

Finally it is evident that the government is allocating resources to the branches of the government that will allow it to apparently control the crime situation. Nevertheless, this shortsighted approach impedes a successful step forward to overcome the homicides issue. In the statistic examination it was proved that, out of the factors that were studied, it is the unemployment the one that affects more the homicides. However, the government insists in destining a lot more

resources to ministries like Defense that has no actual role in the social development of El Salvador.

## **5.2 CONCLUSION**

In El Salvador the conditions are given to have a violent society. Income inequality is high (as the rest of the Latin American region) and in matters of corruption it is also weak. In 2012 El Salvador was ranked 83 in the world with a score of 38 out of 100 by Transparency International.

At the same time, Salvadoran governments' policies are too shortsighted and are focused mainly in the reduction of crimes by the capture of criminals but have no sustainability in time. El Salvador's public security policies are designed in a short-term and are supposed to last no more than the official presidential period of time, no more than five years. No medium or long term is considered to create the policies.

The policies created since 2003 have been extremely populist and what in consequence have created is more violence in the country; by creating a violent state, a violent society will respond with the same or worse level of violence. For over a decade the government tried to improve the coercive skills by creating plans such as *Mano Dura* and *Super Mano Dura* but at the end, it provoked the improvement of criminal and organization skills of the

gangs. Nowadays they cannot even be easily identified and have they specialize their activities with the improvement in their use of technology; for instance, by accessing to phone directories and extorting people via untraceable phone calls. The police and the whole population in general are more vulnerable.

As a matter of fact, what Briceño-León et al prophesied more than ten years ago, before *Mano Dura* policies were implemented, is that the use of '*an iron fist*' as the only tool to control crime would eventually intensify the existing crime. Just the way it happened in El Salvador. Nowadays, Salvadoran society has higher level of exclusion and with less access to opportunities in matters of education and employment. Its institutions are weak and the high level of corruption mines the institutional improvement.

In contrast, the government priorities are not well defined in order to solve the problems of the Salvadoran society. Education system is poor, and it is evident in the low results obtained by the result of the high school approval national exam (5.3 out of 10 in 2013 and 5.0 out of 10 in 2012), as well as public health care and instead, ministries like Defense receive a too high budget, since there is no real threat for the national security of El Salvador.

Urban growth in El Salvador is also messy and out of serious regulation. What is being created is more and more exclusion. Security and justice systems have low credibility and the population is more skeptics to accept changes.

Although Latin American societies are labeled as culturally violent and prone to revenge, in El Salvador the situation seems to be changing. People are less interested in purchasing or possessing a firearm and the respect for authorities is increasing in matters of not getting involved in justice appliance. The *Right to Kill* is a custom that according to the performed surveys in the last years in El Salvador, seems to be vanishing among the citizens. At the same time, this is the most difficult challenge to face due to its qualitative nature.

In economic terms, the GDP growth has been lower than the rest of the region. Many factors could have influenced this result but in fact, the high level of homicides could definitely play an important role for this result. The income inequality does not represent a statistically significant impact on the homicides rate. However, income inequality is also related to poverty and exclusion and these two factors could also pronounce the levels of violence.

Although life expectancy has shown an increasing tendency during the last years, the death rate has slowed its better performance. The high level of homicides would affect the population in a long term since the society will eventually experiment lower birth rates and life expectancy.

## 5.3 RECOMMENDATIONS

They key factor that would improve the conditions in El Salvador is the strengthening of the alliance between all the government actors and organs that might propitiate a profound change in the current conditions. Education, health and employments are the factors that could guarantee, in a long term, to solve the security issues.

The government priorities must be revised in order to determine the real factors that triggered the violence and homicides and with long term well designed plans, try to solve those issues. Rehabilitation and re-integration of the ex-convicts must be a priority in the current situation with the purpose to support them and encourage them to become better citizens.

There is a social chain that has been perceived in this research, where a direct cause of the homicides is the unemployment. Unemployment represents lack of opportunities in a country and in El Salvador; the government is paying no attention to this issue. The Ministry of Labour should play a more important role and its structure should be improved. By receiving more funds and making it an employment generator that could increase its purposeful capacity.

In the other hand, the Ministry of Defense should be revised to determine whether the resources destined to its operations are needed indeed. The situation of war was overcome two decades ago and there are worse internal

problems that need more attention and resources than a ministry with no actual role in the social and economic development of El Salvador.

An integral social development plan should be created that integrates component such as education and health. It should have long term programs that at the end could permit the society to improve. At the same time, it is not enough to pursue targets such as literacy rates, because this is not sufficient to have an educated society. Quality in education is the key as well as improved health system that satisfies citizens.

The public security system must be created based on real justice principles; the way to successfully follow up prosecution is to offer actual protection to witnesses and victims. By this means, prosecutions will success and criminal will be punish. The next step will be to establish a prison system based in the rehabilitation and re-integration and not just locked facilities with idle and lazy prisoners.

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# APPENDIX

## INTERVIEW FOR PUBLIC SECURITY OFFICERS FROM EL SALVADOR

This interview has the purpose to know the opinion of the officers of public security from El Salvador to examine the policies implemented by the government to decrease the homicide rate in El Salvador from 2003 to current days. The goal on this interview is to generate supplies from the officers that will allow the deeper study on the public administration area to generate a new propose for public policies that could be useful to the improvement of the criminal situation in El Salvador and Central America.

This interview has several open questions where each officer will be allowed to give their own opinion on this topic. For register effects in this research it will be recorded, an audio recording and then it will be also typed in English for records.

Privacy Policy: The information given in this interview will be considered official information from the officers that have been interviewed and will be quoted as such in this investigation. However, if the interviewed officer wants to give a personal opinion, this will also remain confidential according to the present privacy declaration and will be regulated by the Statistics Law from the Republic of Korea and its amendments.

**NéstorAdonay Hernández Baires**

Master Degree Candidate

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## INTERVIEW FOR PUBLIC SECURITY OFFICERS FROM EL SALVADOR

OCT 27<sup>TH</sup> 2013

Graduate School of Public Administration, Seoul National University

1. *For register effects I ask you please to give us your full name and also what is the charge that you represent in El Salvador.*

I am Juan Mauricio Amaya Alfaro with the degree of Police Commissioner of the Policía Nacional Civil (National Civil Police) of El Salvador. In addition I served as Deputy Director of Public Security.

2. *In matters of crime and violence in Central America, we reviewed an inform that was presented by the World Bank in 2011, and among the information that was there, an estimated amount of firearms have not been legally registered in El Salvador and this amount of firearms is three times bigger than the registered arms, this is just an estimate. What is the government doing to control this situation?*

The National Civil Police executes plans of firearms verification that come from the house visiting where the police officers arrives with the expired firearm's registration and asks that person to show the weapon, after that, the officer requests the individual to go and legally register it. The other one is on the street, every day we perform illegal firearms confiscation, which is a permanent task considered in the Strategic Institutional Plan. It is also being implemented a preventive plan to control the weapons that enter illegally to the country through its legal or illegal border crossings.

3. *From 2003, the Salvadoran government has implemented several special plans to decrease the crime rates in El Salvador. What is your*

***opinion about the plans Mano Dura, Anti-homicides, Super Mano Dura, Friendly Hand and Extended Hand?***

Well, this answer will be a personal opinion instead of institutional because I am not empowered to give institutional positions, only the General Director can do it. From my point of view, these plans were done during that time with the purpose of decreasing the crimes committed by the gangs. The expected effect was to control the gangs and reduce their influence on crimes. Initially there was a positive effect but as time passed by, it was generated a better organization in those groups. The fact of concentrating them in exclusive prisons, depending on the gangs they belonged, it allowed them to improve the way they were organized. Besides, the legal part did not accompany the plans, therefore, the plans developed just the preventive part, and since there was no legal effect, the police captured the criminals but at the end of 72 hours they were freed. They realized there was no legal effect so at the end the prevention was dissolved in a short term.

- 4. According to the World Bank inform that we just mentioned before, which source was the Legal Medicine Institute of El Salvador the percentage of homicides committed by the gangs between 2003 and 2006, was not above 11% of the total of crimes; meanwhile, the homicides with unknown cause between 2005 and 2006, they were almost 60%. So, the question is why the government invested so many resources in plans such as Mano Dura, Super Mano Dura, and all the programs that these plans were integrated with, focus only in the control of the gangs but evidently homicides were not only committed by the members of the gangs?***

This is another question that I will answer in a personal way instead of institutional. In my opinion, the current perception, as well as on that time was that gangs committed 60% of the homicides. It is a national problem that required focused attention; therefore, I think that for that reason the government was concentrated in the crimes committed by gangs. Currently

it is still the same situation: most of the crimes are committed by the gangs and all our preventive and repressive plans are focused in the dismemberment of these structures.

Hence, I believe that in that moment it required from the government a greater investment in order to reduce gang's crimes. Ourselves, as police, when we analyze the statistics we realize that lots of times the author of the crime is unknown but after the investigation we can conclude they were gang's responsibility. For that reason it can be said that the mayor problem that had and still has the Salvadoran state is actions of the gangs.

***5. Some of the studies about Latin America point out that our societies are susceptible to violence due to certain scenarios where there is certain level of tolerance for the crime such as the rape of a daughter or threaten to a family. Now, the high level of homicides in the region are explained by this hypothesis and in the same way there is a cultural base that says that there is no possibility to generate a situation of complete security in the western societies. What is your opinion about this?***

I consider that our legal system is much related to this situation, since it was reformed after the Peace Agreements with the purpose to guarantee the citizens' rights because we were coming from a state that violated their rights and there was no fair application of the law. After reforming the Criminal Law and the Procedural Criminal Law I think that our congressmen focused in guaranteeing the due process, but this required an active participation of the victim and the witness as main axis to determine the culpability of a person in the commission of a crime. The problem is that these two actors are two susceptible, mainly when the victimizer realizes that by making any of those actors disappear, he will be absolved.

Anyhow, this is what has been happening in our system; as a guarantor of the criminal's rights, people are afraid of getting involved in the prosecution



process, because they could become victims of the individuals that committed the crime. In the media is highly publicized when a witness is murdered. Hence, citizens are scared to participate and they would rather decide not to report a crime or not to participate in a prosecution process.

***6. After four years of the new government since 2009, the homicide rates are still being high. There is a continuity of the security policies of the previous governments and the budgets for the Public Security and Justice Ministry, they indicate a high concentration of tasks in police area and also in the prison systems while according to some official data of the World Bank, in 2011 the murder rate was 69.2 per 100,000 inhabitants, so which do you consider should be the solution for this problem, from the perspective of the government entity that you represent and which alternative could really create a decrease in the homicide rate in El Salvador?***

Well, I consider that the alternative that we as Salvadorans could have in order to live in a more pacific society, with less violence and with a guaranteed rule of law; where crimes are successfully prosecuted, it should be first of all generated a security policy of the Salvadoran state where the three organs – legislative, judicial and executive- are involved and in the same road. Because, now it seems that the responsibility to prevent crime is just on the executive organ, since it has the National Civil Police, as a repressive tool and in consequence, legislative and judicial are detached from the situation. I believe that they are two very important actors that must play an important role in the prevention and reduction of crimes, for the reason that the laws are created in the legislative and, as I mentioned before, our judicial system is too guarantor. It should be created a penal system that could guarantees the security of the victim and witnesses, without putting aside the due process of the victimizer and also it should be generated other means to prove responsibility of the crimes, such as videos and using other technological tools, because so far, the

proof that dominates our criminal processes is the witness. So, this situation should change.

More resources should also be invested in matters of internal security, instead of external; I mean more to internal defense than national defense. Improving the labor conditions of the National Civil Police, since it is the institution in charge to prevent and repress crime. Providing it with adequate logistic, human and technological resources according to the needs of the society, including the managing of support from other countries to perform a better role.

## INTERVIEW FOR PUBLIC SECURITY OFFICERS FROM EL SALVADOR

This interview has the purpose to know the opinion of the officers of public security from El Salvador to examine the policies implemented by the government to decrease the homicide rate in El Salvador from 2003 to current days. The goal on this interview is to generate supplies from the officers that will allow the deeper study on the public administration area to generate a new propose for public policies that could be useful to the improvement of the criminal situation in El Salvador and Central America.

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***1. For records effects I ask you please to give us your name and the charge that you represent in El Salvador.***

I am the Inspector Juan Bautista Rodríguez Godínez, currently I serve as Chief of the 911 Emergency Division, where video surveillance is also a part of this Division.

***2. According to the World Bank inform Crime and Violence in Central America: a Challenge for Development that was presented in 2011, an estimate of firearms not registered legally in El Salvador is three times bigger than the amount of weapons that are registered. What is the government doing to control this situation?***

There are programs that the government of El Salvador is implementing at the levels of central and local governments. In the case of the central government, it is to promote, for instance, weapons ban. This is coordinated with the police, municipalities and of course the army. These three institutions work in the formulation of firearms ban. Besides prohibition, it also requires confiscation of the weapons.

The government also encourages the delivery of firearms from the population. In previous years, the government has been working in the voluntary delivery of weapons and of course, the repressive tasks are the National Civil Police responsibility. It has been created a special division for this matter and all the police in the territory implements the regulation and application of the Weapons Restriction Law. To control the crimes committed with those weapons, we permanently work in all 262 municipalities with the prevention and confiscation of illegal firearms.

Of course, these illegal weapons are examined in an expertise process in our laboratories to determine the origin of these firearms, from which country are they coming from; because they came into the country by any way and there is a register of the manufacturer. That part is very important to be obtained when an illegal weapon is confiscated to find out which way at international level was used to arrive in the country.

***So these illegal weapons are not just remaining from the Civil War?***

No, we have it clear that the firearms trafficking in Central America it is just impossible to be a hundred percent controlled at this level. Hence, in addition to the weapon that remained after the Peace Agreements that used to belong to the left and right forces in conflict. We also know that there is a firearms trafficking in Central America, coming from neighbor countries and lots of people prefer those weapons because if it is purchased illegally, being a good firearm, it could even cost half the price compared to the legal market. In the illegal contraband market you could obtain a cheaper and more powerful weapon.

***3. Since 2003 the Salvadoran government has implemented special plans to decrease the crime rates. So, what is your opinion about the plans Mano Dura, Anti-homicides, Super Mano Dura, Friendly Hand and Extended Hand?***

As a police officer I consider that all the plans that have been implemented by El Salvador governments have had its own level of effectiveness. The *Mano Dura* and the *Super Mano Dura* because those were moments in our history in 2003, 2004 and 2005 where these plans had a special purpose: to struggle against all those people involved in crimes and, during those years, we had a strong outbreak of the gangs. Those gangs in that moment started their own transformation evolving from common street level crime to become organized crime. For that reason, I think that the *Mano Dura* and *Super Mano Dura* plans were effective.

My opinion, I will give a personal opinion is that sometimes these plans

have few support and sometimes it is expected too much with a hope that after one or two years, complicated crimes such as homicides would be eliminated in El Salvador. In addition, if the homicide is committed by a criminal structure like the gangs.

So, what are required are additional sustainable plans throughout time. For instance, if the repressive role of the *Mano Dura* and *Super Mano Dura* corresponded to the police, there should be also other entities that could be able to sustain the rehabilitation and reintegration role, which are more complicated processes. A reintegration demands money, more time and of course strengthening of the social area in the country. It is not that *Mano Dura* and *Super Mano Dura* have been bad; in my own opinion what has failed is its sustainability on time.

***4. According to the mentioned inform of the World Bank, which source was the Legal Medicine Institute of El Salvador, the percentage of homicides committed by the gangs from 2003 and 2006 was below 11% of the total of crimes. Meanwhile, the homicides with unknown cause between 2005 and 2006 were almost 60%, so why is the government investing so many resources in the mentioned plans Mano Dura and such on, and all the programs they were integrated with, focused in the control of the gangs if evidently the homicides were not only committed by the member of the gangs?***

I consider that as a country, we are still missing a lot of criminal investigation regarding the causes of homicides. I believe that due to that lack of professional studies, we could sometimes divagate in the causes. What I can tell you as a police officer is that the Legal Medicine Institute could have some data, each institution has its own business and what is in fact more important is the real investigation of the cause. For example, I can tell you that we know that if 11% of the homicides are committed by the gangs, it does not necessarily means that those are the only ones provoked as a consequence of the gangs. While plans like *Mano Dura* were being implemented, in our country a new problem has developed: revenge.

Revenge comes from a murder committed by a gang member and it would encourage a common person to take revenge on that gangster. That part has not been studied. Violence in our country is broadly caused by revenge. It does not necessarily have to be a gang member the murderer but it could be a common person the one who kills a gangster.

Another aspect that influences and has not been studied enough is to determine how many gang members are; this is a lack of real statistic data. And if in a certain moment we could have a determined amount of gang's members, we are still in disadvantage, because a gangster has a family, and this family will support the gangster. His wife, even though she is not member of the gang, she will support him. The born children from gangsters have a good possibility to become also gangsters in the future. This part is complicated when making scientific studies. The police sustains that 65% of the crimes committed during the times of *Mano Dura* and *Super Mano Dura* were linked to the gangs. That is our statistic, based in criminal investigation but the social area is still missing to determine the real causes.

***5. Some of the studies on Latin America point out that our societies are susceptible to violence because in certain scenarios there is a high tolerance for the crime, scenarios such as the rape of a daughter or threaten on a family. As you mentioned before, there is a big social background of the problem. So, the high homicide rates in the region can be explained by this hypothesis, in the same way with a cultural base it is said that there is no possibility to generate a situation of complete security in the western societies. What is your opinion about this problem?***

I believe that it is a connection of scenarios. The tolerance for crimes has as a cultural background related to the economy, social and history of our country. Particularly I think that our countries, mainly in Central America, we experienced violence that is linked to education, employments and the opportunities that a person has to better understand his society in order to

give better input. But while we continue living in a society of unemployment, where we purchase expensive healthcare, where education is expensive and there is lack of opportunities and we have a very unequal system. While our governments do not guarantee health, education, security and prosperity in a developing country where we find opportunities; while we would not be able to surpass our own society, we will have high crime rates.

It is not that we are tolerant to crime, what I consider is that we have created the proper conditions for crime. I can tell you this: we are not supportive when some is a victim of crime; we do not report crimes nor participate as witnesses, we do not generate a rejection to crime. Instead of that, we live with fear and since the crime is not happening to us, it is none of our business. And when it happens to us we want others to support us but we find nobody, because we do not generate a culture to report crimes. That is common in our countries.

In the case of El Salvador, due to the high inequality, we do not have the opportunity to excel. We buy a very expensive education, health and security. And of course, the budgets destined to Public Security in the government are too limited. We cannot afford that a police officer does not have the basic conditions to work,

***6. After four years of the new government, the homicide rates are still high. There has been a continuity of the security policies from the former governments and the budgets for the Public Security and Justice Ministry evidently have a high concentration of resources in police tasks and prison systems. Meanwhile, some official data from the World Bank up to the year 2011, the rate of homicides was 69.2 per 100,000 inhabitants. Which one do you consider should be the solution for this problem from the perspective of the government entity that you represent and which alternative could really allow El Salvador to decrease the current rates of homicides?***

I consider that the security policies in El Salvador are too shortsighted and



then, when no long term is considered, no government gives continuity. Then, what the government did in its five years term is everything that would be done. Then, the next government should create its new policies as a result of discontinuity. We are not a country with a strong security that could be projected in fifteen, twenty five years forward but instead, it is just about the government in turn. That is a problem because the police and all entities related to security could be better developed in a long term.

The other part that is mentioned here about a homicide rate of 69.2 per every 100,000 inhabitants; I think it is due to the social and economic problems. The socio-economic base of our country is not enough to promote in a short term a strong reduction of homicides. It is necessary to work hard in the socio-economic base so we could reduce the crime rates. By promoting better education for the people, youth and the new generations to have the opportunities that previous generations did not have, it could allow better growth. To generate employment is also important, because while young people would not have opportunities to work and study, I think that they will instead commit crimes.

Finally, as institution we believe that the police should be strengthened by creating more applicable scientific tools. We must develop a police that controls the territory, a territorial police that has social control above the inhabitants. I mean, if someone arrives at a place for living, we should know who is that; and if someone leaves, we should know why is he leaving. But we must generate that social control through an institutional development that we still do not have. We have a Communitarian Police that will bring us there, but we have to develop more policies or strategies in order to have a stronger police. For example, we should have better control over the firearms, we should have a better control over the ex-convicts, and we should have a better control about the deported people that come tainted from foreign countries. We should have better databases; we should have better technological systems in order to be able to control the criminals. The drugs should have better control and above all, all those risk factors that we have in our country should also be better controlled.

Then, the police should be developed in a control improvement framework; a more professional police that will handle the best technological tools. It will have the best training in our officers, better knowledge of the incidence situation and of course, it requires a better budget from the central government towards the police.

# 엘살바도르의 살인율 감소를 위한 정책에 관한 분석: 형벌이론 관점에서의 2003 년~2012 년 추세에 대한 분석을 중심으로

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엘살바도르는 중앙아메리카에 위치한 국가로, 멕시코 다음으로 미국에 인접해있다. 육지와 바다를 통해 미국에 쉽게 접근할 수 있는 엘살바도르의 지리적 특성은 미국으로의 마약과 무기밀매를 용이하게 한다. 이로 인하여 엘살바도르의 지하경제의 규모가 점차 확대되고 있으며 마약과 무기밀매를 운영하는 범죄조직의 위험성 또한 심각해지고 있다. 엘살바도르의 열악한 사회경제적 환경은 이와 같은 높은 범죄 위험성으로 인하여 더욱 악화되고 있다. 특히 노동환경, 교육, 보건을 포함한 필수적인 국민의 권리가 왜곡되고 사회 내 주변화가 가속화되고 있다. 이와 같은 불평등한 사회구조와 범죄의 만연은 비단 엘살바도르에만 국한되는 문제가 아닌 라틴아메리카 지역 전반의 문제이기도 하다.

엘살바도르는 20 세기 전반에 걸쳐 군사독재정권의 가혹한 정치행위를 겪었으며 1980 년~1992 년에는 게릴라 군과 정부군 간의

내전으로 수십만 국민이 목숨을 잃었으며 많은 수의 고아와 피난민을 양산하였다. 1990 년대에 들어서며 민주주의가 도입되어 사회적 불안을 안정시키고 국가재건을 위한 노력이 시작되었다. 한편, 1980 년대 내전을 피해 미국으로 떠난 엘살바도르 인들은 미국에서 악명 높은 범죄조직을 이루어 활발한 지하 범죄활동을 저질렀다. 이들 조직은 1990 년대에 미국을 비롯한 북아메리카 국가에서 추방당하여 다시 엘살바도르로 돌아왔지만 전쟁과 독재의 폐해를 극복하고 사회통합을 위해 재건 중이던 새로운 사회에 융화될 수 없었다. 고국에 돌아왔지만 사회의 일원이 될 수 없었던 그들은 중앙아메리카에서 또다시 범죄조직을 이루었다. 2000 년대에 라틴아메리카 내 이들의 영향력은 계속 증가하여 조직원 수가 상승하고 마약과 무기밀매도 성행하여 정부가 통제할 수 없는 수준에 이르렀다. 결국 2003 년, 엘살바도르 정부는 범죄조직을 소탕할 목적으로 ‘Mano Dura(Iron Fist)’와 ‘Super Mano Dura(Super Iron Fist)’라는 이름의 강력한 범죄정책을 시행하였다. 정책시행초반 정부는 범죄조직원 검거 작전에 상당한 성공을 거두었다. 그러나 잘 갖춰지지 않은 정책구조와 검거 이후 이들에 대한 사후관리 시스템의 부재로 인하여 범죄조직은 이 정책을 악용하기에 이르렀다. 시간이 갈수록 이들의 범죄행위는 점점 위험해지고 조직원의 수도 더욱 증가하였다.

본 연구는 형벌이론(punishment theory)의 관점에서 엘살바도르의 범죄정책에 대한 질적인 연구를 실시하였다. 형벌이론에 따르면 범죄를 퇴치하기 위해서는 정부에 의한 강력한 형벌제도가 필요하다고 한다. 하지만 현재 엘살바도르의 범죄정책은 오히려 범죄 양산에 기여하고 있으며 소외계층에 대한 주변화를 더욱 심화시키고 있다는 비판을 받고 있다. 따라서 본 연구는 효과적인 정책시행을 위해서 정부는 보다 강력하게 제도를 집행하여 범죄를 처벌하고 범죄의 기회를 차단해야 한다고 주장한다.

본 연구는 형벌이론의 문화적 관점을 적용하여 라틴아메리카의 문화적 특징에 대한 분석 또한 실시하였다. 이 관점에 따르면 특정 지역의 사람들은 범죄에 대한 관용 정도가 높으며 특히 살인이 정당방위로 간주될 수 있다는 믿음을 가진다고 한다. 본 연구는 이에 근거하여 라틴아메리카 지역의 문화적 특성이 폭력을 양산한다는 가설을 설정하였다.

본 연구는 인구통계학적 정보와 경제 통계자료를 활용하여 엘살바도르의 살인율과 이것이 엘살바도르의 사회와 경제적 환경에 미치는 영향을 분석하였다. 더불어 엘살바도르의 범죄정책집행을 위하여 정의 및 안보부(Ministry of Justice and Public Security)에 투입되는 예산과 그 예산의 살인율 감소와 사회 안정에 대한 기여도를 살펴보았다. 그리고 형벌이론에 따른 엘살바도르 범죄정책에 대한 분석의 추가적인 근거로 엘살바도르의 공공 안보 분야 종사자들에 대한 인터뷰를 실시하였다.

**주요어:** 엘살바도르, 형벌이론, 형사정책, 살인

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