



# Minutes of the Parliamentary Forum

## Regional Meeting for Latin America

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30th October 2007  
Panama City, Panamá

Secretary General Peter Weiderud opened the meeting by presenting the authorities in attendance.

Next the President of the Forum, MP Juan Hernandez, thanked the authorities for taking part, mentioning specifically MP Elías Castillo, one of the founding members of the Forum; MP German Francisco; MP Antonino Rodriguez; the vice-minister for Government and Justice, Severino Mejia; Dr Vicente Archibold from Serpaj-Panama; Lic. Casanova from the Ministry of Statistics; MA. Luis Adame Legal Director of the Ministry for Government and Justice; Mr. Tomás García Tobar, Director of Public Security of the Ministry of Government and Justice; Mr. Sambrano, Leopoldo Benedetti; and the Secretariat staff of the Forum.

He expressed satisfaction with the decision to hold the regional meeting in Panama, reaffirming the Forum's commitment to Latin America and the Caribbean to continue working against violence, the proliferation of arms, and advancing the adoption of norms and laws that can be passed by parliaments of the region.

He pointed out that youth and women are victims of violence in the region. He referred to the effort and support the Forum has given in relation to the Model Legislation on Arms and Ammunition project which the Latin American Parliament (Parlatino) is working with. He commented that last year the proposal for this model legislation was developed in Panama City and that it is to be considered by Parlatino in Bogota, Colombia in November. He added that without a doubt, it will serve to standardize the regulation of arms in the region.

While affirming that a law will not solve a problem of this magnitude, he considered it as an aspect of the debate which generates parliamentary engagement, including activities -- everything that contributes to awareness-raising. He pointed out that this task must happen through the implementation of a broad set of actions thereby advancing security in the region and the promotion of non-violence. He thanked the members of the Forum for their confidence in him when electing him as President of the organization and thanked the National Assembly of Panama for its work and support in hosting the event.

Next, MP German Francisco explained that the Panamanian parliamentarians had been present in Spain in 2002 when the Parliamentary Forum on Small Arms and Light Weapons was established. He remembered that at that time, his country had already ratified the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. He also reflected on the Forum's meeting in Panama in 2003, when an expert said that the priorities of the agenda included the strict adoption of the CIFTA and the Regulation Model of the CICAD-OEA.

MP Francisco pointed out that Panama continued its committed work on these issues and was the third country to designate a focal point in order to fight the phenomenon on the international arena. He referred to the problems related to marking, authorizations of import and requirements for license to avoid

deviation, the regulation of the intermediaries and the exchange of information. He talked about the concern in Panama regarding these issues as a process that continues openly. The great interest which this meeting had received was also due to this.

MP Francisco stressed that the problems related to arms comprise a greater problem: one of public security. He indicated that security and citizen perception of security constitutes an essential factor in the strengthening of the democratic system. He stated that democracy in Latin America depends to a great extent on whether public security is guaranteed. It is an indicator of democratic governance. He also expressed his conviction that this regional meeting will contribute to the discussion in this way.

He confirmed his commitment to the problem. As president of the Commission of International Relations of the National Assembly of Panama, he was asked to coordinate tasks with the Forum. At the Ministry of Government and Justice he had together with Lic. Adame tackled the problem of proliferation by developing an "arms for food" programme. He expressed satisfaction over the fact that today a large number of arms would be taken out of the region as the Minister of Government and Justice, who could not participate in the meeting, was visiting another part in connection with the arms for food programme in Colón.

In conclusion he congratulated the Forum for all it does in relation to the previously mentioned issues.

Afterwards, the Vice-Minister of Government and Justice, Mr. Severino Mejía added that the Minister was not only in Colón implementing the 'Arms for Food' program, but also creating a citizen commission on arms. He welcomed participants to the regional meeting with the hope that it would result in significant steps towards stopping deaths and injuries.

Last year during the UN Conference of Revision of the UNPoA (United Nations Program of Action), Mr. Mejía had the opportunity to express Panama's position: that (small arms) problems require an integrated effort between all the countries of the region and the world since it perpetuates poverty, conflicts and violations of human rights.

Mr. Mejía reviewed a project regarding a law on illegal arms control that has been sent to the Assembly and whose approval counts on the commitment and support of his ministry. He went on to describe how the problem of deaths and injuries resulting from arms is a problem of extreme concern. He pointed out that this year 375 people have been killed by firearms and that there is one weapon for every ten people.

Events such as the ones held by the Forum without a doubt have contributed positively in generating a debate to stimulate citizen participation, he stressed. He concluded by saying if an agreement on how to offer security cannot be reached; it would affect the credibility of institutions, limiting the possibilities of generating human development and consolidating democracy in the region.

*(break)*

Re-opening the meeting, the Secretary General of the Forum made some adjustments to the program. He informed the participants that Lic. Germán Montenegro, Secretary of Military Issues for the Ministry of Defence of the Republic of Argentina had not been able to travel due to a last minute problem. However, his presentation would instead be developed by Juan Faroppa from the UNDP Network of Experts. He also said Daisy Tourné would hold a presentation on the impact of arms on children and young people; and Sidonie Porterie would hold a presentation on the Parliamentary Control Guide on Security, developed by the Parliamentary Forum together with ILSER and the UNDP LAC SURF.

Subsequently, he presented Daisy Tourné, Minister of Interior in Uruguay.

Ms. Tourné began her presentation pointing out that even in the 2005 General Assembly of the Forum, held in Mexico City, the issue of children and young people in relation to small arms was already discussed, including the diversity of the problems relating to young people on the different continents.

She started by mentioning that nearly all countries worldwide have now approved the Convention on the Rights of the Child, and that in all forums parliamentarians are keen defenders of these positions. But what it is all about, she affirmed, is to make a correct application of the rights consecrated through the Convention at the national level.

Apart from the articulation of children's rights, one needs to be aware of the social, economic and political problems that generate an extremely strong impact on children. She pointed out that when the 'Frente Amplio' entered Government in her country, 57% of children were born below the poverty line and the problem of youth exclusion was also a serious issue.

She identified three phenomena encompassing poverty and exclusion:

1. The phenomena of young people participating in armed violence (i.e. gangs)
2. The participation of child soldiers in armed conflict
3. The civil possession of small arms and various aspects, including accidents in the home, lack of caution with possession, and domestic violence.

She affirmed that with modern day individualism, social ties have broken. There is no friend or companion but rather an obstacle to cross. Young people live by the law of the jungle and sometimes the only way that is opened to them is through gangs. A huge portion of these children are completely outside of the system, with the only place of property and protection being the gang and the gun. In order to exist, the only alternative is found through violence.

She also discussed the problem of territorialisation. In some cases, the "maras" (a type of gang) cover medical and other costs which should be provided by the State.

For this reason Ms. Tourné discarded simple or linear remedies, including that of the "hard hand." There are "anti-maras" policies whose only result has been to raise levels of violence. The massive imprisonment of young people has instead created better maras organizations. Certainly these violent manifestations can also be seen in Europe, some with links to neo-nazi groups.

For this reason she highlighted the need to construct spaces operating in two ways: as a limit, but also as place from which young people can construct. She indicated that the school must be constituted in a scope of inclusion, since otherwise many young people will turn to crime.

She mentioned the problem of child soldiers, recruited against their will, taught to kill or risk death or deportation if they do not join the army.

With regard to the issue of possession, the Minister reiterated the fact that severe accidents are suffered by children when they learn that arms are for playing. When they are used, you either kill or get killed. She made reference to the massacres which have taken place in schools and pointed out that young people who do not learn to solve conflicts peacefully, take a weapon and kill.

For that reason Tourné concluded saying that we need integrating policies, not focused, which can attack root causes.

The Secretary General of the Forum thanked Ms. Tourné and introduced Dr. Juan Faroppa, from Uruguay, specialist from the PNUD LAC SURF Network of Experts.

Mr. Faroppa began his presentation highlighting five great issues in relation to the parliament and issues of security. He said the parliament is:

1. A place for participation and democratic consensus;
2. A government integrator of public security;
3. A developer of specific juridical framework;
4. The actor that approves the budget;
5. An organization of control

Human security must be criteria of the UNDP and citizen security is a tool to construct democratic citizenship.

Mr. Faroppa highlighted the role of parliament in these issues as complicated and complex, with a range of difficulties. He affirmed that the easy answers that are often given, instead of improving the situation, in the long term make the problem even more complex.

He affirmed that this is why policies regarding security in Latin America have not been successful. Nonetheless, we know what we should *not* do: 'hard hand' policies of law and order, to increase punishment or to eliminate guarantees.

He believed that there is no possibility to solve the issues of security in one single 'act' from the government. The most successful policies are the ones planned in the medium and long term. This requires strong consensus in establishing general objectives and it is fundamental to push for participatory processes. He affirmed that the parliament is fundamental with regard to this.

For that reason, Mr. Faroppa criticizes visions that exclusively look for a solution to the problems of security in the forces--in the best cases in the police, and the worst in the armed forces. He pointed out that the role of both forces has been very confused in Latin America. For that reason he believed that one of the central tasks of parliaments is to clearly define internal security exclusively as a matter for the police forces, whereas the armed forces have their role in national defence, against enemies. The police do not deal with enemies, he stated.

For that reason he emphasized the fact that security policy must be assumed by politics, through policies and politicians. Parliamentarians as representatives of the people are vital in assuring that the security forces are democratic.

It is widely believed that laws will not change reality. While it is a necessary condition, it is insufficient. Demands will change, which requires parliamentarians to balance powers and guarantees, as eager guardians of international commitments and constitutions.

Regarding the matter of parliamentary democratic control, Mr. Faroppa stressed the importance of ensuring that assigned powers are implemented within the proper legal framework and with respect for the law. Thus, he referred to internal controls or the office of the judge advocate general of human rights as responsible for carrying out the defence of society, but he emphasized parliamentary political control. He pointed out that the specific commissions of the parliament must push their task forward with proactive policies.

He also noted that the construction and implementation of a new democratic and participatory doctrine of intervention will take years, but the errors of the past indicate that this is the only way that we can go.

Next, the Secretary General of the Forum presented MA Gloria Manzotti from UNDP LAC SURF, who read the presentation sent by MA Germán Montenegro. Directly after that, Sidonie Porterie presented the outcome and analysis of the Latin American “Guide to Parliamentary Control of the Public Security Sector.”

*Visit the website ([www.parlforum.org](http://www.parlforum.org)) for presentations by Sidonie Porterie and Germán Montenegro.*

Next there was a fruitful debate between the members of the Forum and other participants.

Referring to Ms. Porterie’s presentation on public security, Gino Costa from Peru asked how the gap between the current situation and the planned control model could be bridged. Ms. Porterie responded saying one should basically assume the parliamentary role, surpassing fear and prejudices and raising the action of control in a regulatory way. She also pointed to the importance of establishing an environment for control at least once a year, consulting statistics and other indicators continuously.

From Peru, MP Yonhy Lescano touched upon the issue of children and SALW, specifically trafficking, which is a profitable industry due to the lack of child identification. He indicated that in many rural areas children are not registered and they do not have any documents, which facilitates trafficking.

To combat this, measures in Peru have been adopted whereby the state does not wait for the mother to register her child, but state institutions approach the mother, identifying and registering the child.

Also he expressed his concern not only for children’s real access to arms, but also for the proliferation of video games that promote violent behaviour. In a side note, he indicated that in his country, despite what has been agreed in international conventions, capital punishment for terrorism crimes is permitted for people as young as 18 years old.

He went on to describe how Fujimori - Montesinos relations exemplify how criminality arises in the heart of the state and pointed out that this challenges parliamentary control. Nonetheless, he said Peru has and continues to show good results

Returning back to the issue of citizen security, MP Elizabeth Fonseca from Costa Rica pointed out that in her country the effort to create political control had been abandoned. She affirmed that more than control there is complicity in crime. She described how the two majority parties which have been in power the last 20 years share visions on controversial issues and they defend such interests.

Also she talked about the power of the press to raise issues, but she noted that in her country the press works in collaboration with the interests of the majority parties. And this has an impact on issues of citizen security, which usually resort in going back to ‘hard hand’ policies. She added that there is never a lack of parliamentarians who find these ideas appropriated and try to increase the punishments. For that reason she indicated parliamentary control as a right and a need, defining it as an indispensable function. Political will and suitable information is required, she concluded.

MP Benito Lara from El Salvador pointed out that 29.4 % of the prisoners in his country are members of gangs or ‘maras’.

He highlighted the economic aspects which affect the effective formulation of security policies and affirmed that in El Salvador private companies invest nearly \$800 million in security. Private families invest another one hundred million. There are 200 private security companies exceeding the numbers of the police force. In view of this business, he asked “is there political will to take on this issue”?

MP Lara referred to UNDP studies that indicate that 11% of GDP is invested in security (according to Inter-American Development Bank (IDB) 13% is invested) and noted that a National Commission of Citizen

Security had been formed in El Salvador, with the participation of the Church, a private university, the Chamber of Commerce and representatives from four parties with parliamentary representation. The approved document linked the issue to the problem of inequality.

He concluded saying more resources must be allocated, while security institutions must also be deeply reformed. He also emphasized control of the community, indicating that this is one of the best controls we have and we need it to be more dynamic.

(discussion ends)

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From the Arias Foundation, Ana Yancy Espinoza presented the phenomenon of the maras and gangs in Central America, providing a comparative analysis of the phenomenon in the different countries in the sub-region.

She affirmed that the violence can be described as young, urban, masculine, unemployed and poor, with vulnerabilities for both victim and offender. Young people are in this sense both criminalized and victimized: they are the most vulnerable sectors and at the same time without a voice.

The phenomenon is multi-causal, of structural character. She noted that the violence is not an issue of class, indicating that there is violence in the higher sectors, but of a different nature.

She believed that poverty and violence were not synonyms. Violence is a result of inequality, she stated.

Espinoza described the socialization processes in neighbourhoods in which young people are trapped. In this environment they begin to get to know their surroundings and develop a sense of belonging. Young people begin to create barriers. Affinity is created through music, clothes, education centres, etc. They acquire an appearance which identifies them as a group.

Diferenció la violencia que se manifiesta en los ámbitos educativos de la del tipo delincriminal. Afirmó que en el sur de centro América no hay maras, pero si existen condiciones para su emergencia.

She differentiated violence that is seen in educative environments to the more delinquent kind. She stated that in the south of Central America there are no 'maras', but the conditions for their creation exist.

She described the different kinds of groups of young people which are found in Central America:

- 'Barras'
- 'Pandillas'
- 'Maras'
- 'Bandas delincriminales'

Next she described each type of formation:

Barras are usually made up of people from the lower and middle-classes. There are no leaders or hierarchies. They do not use arms. Women seldom participate. Confrontations between teams or schools are common.

Pandillas are formed in order to create damage or to deceive. They have an idea of territorial domination. They have between 10 and 40 members and new members can be up to 29 years of age. Generally their members come from marginalized districts, from dysfunctional families, and are outside the education system. They have initiation rituals, codes of conduct, and a tendency to crime. They vandalise and obtain resources through criminal acts, thefts, assaults or other aggression. Their structures are hierarchical. There are few women and they mainly use knives of other cutting weapons.

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The Mara is a specialized gang with links to young people who are in a deportation process. They started when people were sent back to their home countries; they do not speak Spanish, but have family in Central America. They are uprooted. For example, in Honduras 4000 people were sent back in one year. They do not identify with the countries that they live in and it is an organization from which one can find his own identity. They are in constant confrontation with others maras. They have a defined territory. Loyalty is the main value. Treason equals death.

The Mara has its origin in the USA. Each gang has between 50 and 200 members and they are found in marginalised districts. They come from dysfunctional families, and are not in the formal education system. They have codes of conduct and membership. They consume large quantities of drugs and alcohol. They survive like Robin Hoods, protecting the weakest families, thus doing the jobs of the police. They develop economic structures through drug traffic, arms, and other less profitable activities which allows for territorial control, and the collection of 'taxes'. The organisations are large and well- planned with a wide range of criminal activities developed from a specialized structure. Their symbolism is today more gestural. They use arms.

Finally, with Banda Delincuencial there is no territorial factor. They are small groups, not necessarily permanent. They are well-organised, have high levels of income and consumption. They take part in criminal activity, including robberies, kidnappings and drug trafficking. They prioritize crimes with high economic impact. They have high calibre arms and specialized technology.

Ms. Espinoza believed that the causes of gang conflicts in the region remain and only get worse, indicating that poverty and the uneven distribution of wealth continue to be a main factor of the conflicts.

She noted that 48 % of the population of Central America is under 18.

The conditions for the rise in violence include: patterns of violent coexistence, privatization of public spaces, weakening of socialization processes, accelerated urbanization, the impact of mass media in informal education, a culture of violence with societies tolerate, drug consumption, exclusion of young people in the education system, and immediate knowledge of what happens in Europe or the USA.

Next she drew up a profile of the victims and offenders: they are between 13 and 29 years old, they are men from marginalised, highly populated areas with low schooling and high unemployment.

She affirmed the impact of maras on the population and referred to the response which had been given these problematic issues. Anti-mara legislation has been dictated in Guatemala, Honduras and Panama, where they resort to 'hard hand' policies which criminalize poverty. Young people are judged like adults.

There is a noticeable tolerance of violence, going back to tougher punishments and capital punishment. Socialization is weakened and she criticized the absence of preventive and integrated policies. There are no inclusion options. More and tougher punishment is demanded and inequalities are high. Exclusion is predominant.

Ms. Espinoza also noted US pressure on police and military forces to categorize 'maras' as new actors of terrorism, which without a doubt can cause violations of human rights.

She concluded expressing her concern for the militarization process in the public security sector.

Afterwards time was given for opinions and reflection. Daisy Tourné indicated that the presentation of Ms. Espinoza, reflects the concerns of many countries in Central America.

Minister Tourné raised the issue of the problems related to the conceptualisation of public security. She confirmed that Giuliani had pushed New York gangs towards Latin America. That model was exported, but it only repressed, deported, and put young people in jail. The Giuliani model is highlighted while the Boston experience is hidden, where participation and inclusion policies were developed and which showed better results than those of New York.

She indicated anti-crime measures for the prevention and de-stigmatization of young people as alternatives. She pointed it out as an important issue for the Forum to conceptualise and also talked about the role of the mass media in the generation of fear and in forming the culture of the violence. A society of fear justifies any violence, she noted.

Next, Gabriel Prado from Peru noted that in recent years there have been some changes within the paradigm of the Convention on the Rights of the Child, recognizing their nature as subjects to rights rather than characterizing them as the objects of rights, as previously conceived.

In spite of this, he noted that the interest the state has in children and adolescents is not seen in the investment that is targeted to the policies for these sectors. Violence can only be avoided with the barriers of social prevention.

MP Gustavo Bernini from Uruguay indicated that in the matter of security, state policies are required. However, it is an area where reaching agreement is very difficult, since there are deep ideological differences in vision about these issues.

He characterized the problems related to young people as a product of culture, not only social, and added that processes will be slow and take a long time.

MP Lescano from Peru indicated that in his country, there are laws which impose that 20 % of the functionaries must be young, which is also applied in regional governments. Those measures tend to solve the problem since they offer young people a space to express their opinions and to present their proposals, he affirmed.

In conclusion of the Regional Meeting of Latin America, MP Elizabeth Fonseca suggested making a list of issues in order to define an agenda for the regional Forum, among those suggested were:

1. A model of citizen security, in contrast to repressive policies.
2. The role of mass media in the generation of a culture of violence.
3. Domestic violence
4. Measures to be adopted at the community and municipal level.
5. Systems for penal responsibility

Upon unanimous agreement, the meeting was adjourned.