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**HONDURAS
GANG VIOLENCE**

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GANG VIOLENCE

Executive Summary

*Honduras has one of the most severe gang problems in Central America and one of the highest homicide rates in the world. In response to this problem, the government promulgated hard-line law enforcement legislation in 2003 and 2004. This approach has failed to stave off the rising crime rate, however, and has had negative consequences. It appears that due to budget and other competing concerns, the government has left most gang prevention and rehabilitation programs to churches and NGOs. In the opinion of some commentators, prevention and intervention programs are necessary as an integral component of law enforcement efforts.**

I. Background of Gangs in Honduras

Honduras, like the other two countries of Central America's "northern triangle" (Guatemala and El Salvador), has a most severe gang problem.¹ The two main gangs are the Mara Salvatrucha (MS-13), which became prominent in the country in 1989, and 18th Street (Barrio 18), which appeared in 1993.² According to the United Nations, these two gangs have turned the Central American northern triangle into the area with the highest homicide rate in the world.³

Honduras reportedly has more gang members than any other country in Central America. According to the UN Office on Drug and Crime there are 36,000 gang members in Honduras.⁴ Other sources estimate that the number of gang members ranges from 5,000 to 70,000.⁵

* This report is based on the limited information on Honduras available in the Library of Congress's collection and online sources.

¹CLARE RIBANDO SEELKE, CONG. RESEARCH SERV., RL34112, GANGS IN CENTRAL AMERICA, SUMMARY (Jan. 2013).

² USAID BUREAU FOR LATIN AMERICA AND THE CARIBBEAN OFFICE OF REGIONAL SUSTAINABLE DEVELOPMENT, CENTRAL AMERICA AND MEXICO GANG ASSESSMENT 92 (Apr. 2006), http://pdf.usaid.gov/pdf_docs/PNADG834.pdf (paste URL into browser).

³ Regelio Núñez, *Estrategia contra las Maras I*, ATENEADIGITALES.ES (Jan. 18, 2011), http://www.ateneadigital.es/RevistaAtenea/REVISTA/articulos/GestionNoticias_3741_ESP.asp.

⁴ Responding to Violence in Central America: A Report by the United States Senate Caucus on International Narcotics Control, 112th Cong., 1st Sess., at 23 & 25, (Sept. 2011), <http://www.grassley.senate.gov/judiciary/upload/Drug-Caucus-09-22-11-Responding-to-Violence-in-Central-America-2011.pdf>.

⁵ USAID, *supra* note 2, at 93.

According to available sources, gangs have established a reign of terror in Honduras. The city of San Pedro Sula and Tegucigalpa, the capital, rank third and sixth respectively as the world's most violent cities.⁶ According to a 2011 estimate, the homicide rate nearly doubled in the preceding five years in the country, from nearly 37.2 to 66.8 homicides per 100,000 inhabitants. Of these crimes, 32% are attributed to gang members turned into killers for money (*sicarios*).⁷ Another estimate from 2012 indicates that the country's homicide rate is 89 per 100,000 inhabitants, compared with eighteen for Mexico.⁸

II. Government Efforts to Protect Citizens

A. Anti-gang Legislation

Honduras has responded to gang activity with law enforcement alone and adopted a hard-line approach to deal with it.⁹ Decree No. 117-2003 amended article 332 of the Penal Code, which is entitled "illicit association." This reform, known as the Anti-gang Law, criminalized gang membership, using "illicit association" with the permanent intent to commit a crime as a legal basis for prosecution. The reform also maximized the prison sentence for heads of gangs and other groups of people who join in association to commit crime from nine to twelve years, plus fines, and the other gang members are subject to the same sentence reduced by a third.¹⁰ Decree No. 223-2004 was promulgated, increasing the prison sentence for gang leaders from twenty to thirty years, with a fine of 100,000 to 300,000 lempiras (about US\$5,020 to \$15,060).¹¹ In addition, the government put the army on the street "to back up the nation's 8,000 police officers."¹²

B. Law Enforcement

According to USAID's Central America and Mexico Gang Assessment, "intent to commit a crime is interpreted through article 332 as applying to youth who have the appearance of gang members and are found congregating in their neighborhoods."¹³ The police and military officers have used the 2003 reform to arrest thousands of suspected gang members, often en

⁶ Núñez, *supra* note 3.

⁷ *Id.*

⁸ Eric Sabo & Adam Williams, *Honduras Gang Crackdown Overwhelms Jails, Rights Groups Say*, BLOOMBERG BUSINESSWEEK (Feb. 17, 2012), <http://www.businessweek.com/news/2012-02-17/honduras-gang-crackdown-overwhelms-jails-rights-groups-say.html>.

⁹ USAID, *supra* note 2, at 96.

¹⁰ Decreto No. 117-2003, LA GACETA [L.G.], Aug. 15, 2003.

¹¹ Decreto No. 223-2004, L.G., Mar. 12, 2005.

¹² Steven C. Boraz & Thomas C. Bruneau, *Are the Maras Overwhelming Governments in Central America?*, MILITARY REVIEW, Nov.–Dec. 2006, at 38, http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20061231_art007.pdf.

¹³ USAID, *supra* note 2, at 96.

masse,¹⁴ arresting individuals with a tattoo and charging them with the crime of illicit association.¹⁵

Prisons are a serious problem in Honduras. The US Department of State's *2011 Report on Human Rights* criticized the Honduran Government for harsh prison conditions in the country, such as overcrowding, malnutrition, and a lack of adequate sanitation. According to the report, the country has twenty-five prisons with a total population of 11,660. In 2011, the men's section of the Tamara complex had the capacity for 1,500 inmates, but held 2,781 male inmates. The report further states that prisoners from rival gangs are held in different facilities or different areas of the same prison to reduce violence.¹⁶ According to a February 17, 2012, article by *Bloomberg Businessweek*, which cited human rights groups, "Honduras's crackdown on violent gangs has led to a surge of inmates in poorly controlled and dilapidated jails, a policy that may have caused the world's worst prison fire in a century."¹⁷ At least 350 inmates died on February 16, 2012, due to a fire at a prison in Comayagua, fifty-five miles north of Tegucigalpa. More than half of the 800 inmates were either awaiting trial or being held as suspected gang members.¹⁸ José Miguel Vivanco, America's director for the Washington, DC-based Human Rights Watch, commented in a phone interview that "[t]his is an issue that has been neglected for decades." "People want to lock up gangs and forget about them," he added.¹⁹ According to USAID'S Central America and Mexico Gang Assessment, rehabilitation programs in Honduran jails are targeted to the non-gang population only.²⁰

C. Prevention and Rehabilitation Programs

A law for the prevention of youth violence was promulgated in 2001. The statute, known as the Law for the Prevention, Rehabilitation and Social Reintegration of Persons Linked to Gangs (*Ley de Prevención, Rehabilitación y Reinserción Social de Personas Vinculadas a Maras y Pandillas*), mandates the creation of a national program on gang prevention and rehabilitation and a corresponding annual budget.²¹ No information is available regarding the implementation of this statute. According to USAID'S Central America and Mexico Gang Assessment, "[t]he need for prevention and intervention programs is recognized as an integral component to any law

¹⁴ Fulbright Scholar Benjamin Hill '07 *Studies the Effect of Gang Violence in Honduras*, MORITZ COLLEGE OF LAW (Dec. 2006), <http://moritzlaw.osu.edu/alumni/newsletter/2006/december/hill.html>.

¹⁵ WASHINGTON OFFICE ON LATIN AMERICA (WOLA), SPECIAL REPORT, DARING TO CARE: COMMUNITY-BASED RESPONSES TO YOUTH GANG VIOLENCE at 39 (Oct. 2008), <http://www.wola.org/sites/default/files/downloadable/WOLA%20General/past/Daring%20to%20Care.pdf>.

¹⁶ U.S. DEP'T OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 2011: HONDURAS at 1 & 4, <http://www.state.gov/documents/organization/186734.pdf>.

¹⁷ Sabo & Williams, *supra* note 8.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ USAID, *supra* note 2, at 97.

²¹ Decreto No. 141-2001, Ley de Prevención, Rehabilitación y Reinserción Social de Personas Vinculadas a Maras y Pandillas, L.G., Dec. 18, 2001.

enforcement effort.”²² However, “little money has been allocated for either prevention or intervention.”²³

A report published by the Center for Hemispheric Policy in 2007 states that the Honduran government has left most gang prevention efforts and rehabilitation programs to churches and NGOs. For instance, the National Gang Prevention Program, launched in 2006, had no budget for prevention or rehabilitation programs, but supported, coordinated, and strengthened existing civil society efforts.²⁴

No more recent information is available on current, specific gang prevention and rehabilitation programs. Central American government officials have generally cited budgetary limitations among other competing concerns, such as drug trafficking, as limiting factors to their ability to implement extensive prevention and rehabilitation programs.²⁵ According to Congressional Research Service analyst Clare Ribando Seelke, the effects on gangs and crime of the hard-line anti-gang policy, known as *mano dura* (firm hand) adopted by the countries of Central America’s northern triangle—among them, Honduras—have been largely disappointing.²⁶ This approach has failed to stave off rising crime rates and has had several negative consequences. As a result, recent studies indicate, “governments are moving away from enforcement-only policies toward ‘second-generation’ anti-gang programs.”²⁷ Newer programs have emphasized prevention for at-risk youth, intervention to encourage youth to leave gangs, and the creation of municipal alliances against crime and violence.²⁸

III. Concluding Remarks

Honduras has responded to gang activity with a hard-line law enforcement policy. Tough legislation was promulgated in 2003 and 2004. It appears, however, that this policy has been largely ineffective in controlling gangs, and gang prevention efforts and rehabilitation programs of the government have been underfunded, presumably due to budget constraints. Churches and NGOs have spearheaded efforts to address the problem.

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²² USAID, *supra* note 2, at 98.

²³ *Id.*

²⁴ Clare Ribando Seelke, Anti-Gang Efforts in Central America: Moving Beyond Mano Dura? (Expanding on remarks delivered at the first session of the Maras, Security and Development in Central America Task Force, Center for Hemispheric Policy, University of Miami, Apr. 10, 2007), <https://www6.miami.edu/hemispheric-policy/SeelkeTaskForcePaper.pdf>.

²⁵ RIBANDO SEELKE, *supra* note 1, at 14.

²⁶ *Id.* at 10.

²⁷ *Id.* at 9.

²⁸ *Id.*