



RESEARCH REPORT

SUSTAINABLE DEVELOPMENT
COMMISSION

DEVELOPING JUDICIARY SYSTEMS
AGAINST ORGANIZED CRIME IN CENTRAL
AMERICA

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Basic Overview of the Issue (D)

The presence of organised crime groups has had a considerable effect on states in Central America, as they are directly responsible for hindering sustainable development, increasing civil violence, and stifling democratic governance. Such criminal groups are often involved in extortion, drug trafficking, and smuggling, acts which they reinforce by taking advantage of weak judicial systems and inadequate enforcement. One of the primary reasons behind this crisis is the poor state of the region's legal frameworks. Corruption, insufficient financing, political interference and lack of training are widespread problems in many courts, which allow perpetrators of organized crime to escape prosecution, allowing them to freely continue harming communities. Further exacerbating the issue are factors like socio-economic inequality, unemployment, insufficient government regulation and post-conflict instability, all of which render the population more vulnerable to becoming recruited by criminal rings. All this is to say, in the absence of fair and independent judiciary systems, and in such a volatile sociopolitical environment, sustainable peace and security prove to be impossible, which is why Central America desperately requires new legal reforms to ensure criminal accountability and to uphold transparency.

Explanation of Important Terms

Organized crime

Organized crimes are criminal activities that are controlled by powerful groups and carried out on a large scale in an organized manner, often opposing the likes of centralized governments and systems of law.

Judiciary system

A judiciary system is a country's system of laws, courts, and judges that enforces laws. The judiciary system of each country is different from one another.

Corruption

Corruption is when people in power act dishonestly or unfairly. This often includes taking money for continuing intentions of criminals (which are called bribes) or allowing criminals to go free of charge.

Transnational crime

Transnational crime is a crime that happens across countries.

Judicial Independence

The notion that the judiciary must be free from external or internal pressures, such that it can make its

Judicial Reform

Structural changes to laws, institutions, and practices intended to make the judiciary more effective, fair, and transparent.

Detailed Background of the Issue

Central America has long grappled with the forces of organized crime, which has its roots in a combination of historical, socio-political, and economic issues. The region — which includes Honduras, El Salvador, Guatemala, Nicaragua, Costa Rica, Panama and Belize — has long suffered from weak state institutions, endemic corruption and socioeconomic inequality, factors that have allowed transnational criminal organizations (TCOs) and local gangs to thrive.

The History of Organized Crime

The current trends of organized crime in Central America date back to the civil wars that took place in the 1980s and early 1990s. These wars- notably in El Salvador, Guatemala, and Nicaragua- caused great destruction to infrastructure, inflicted unimaginable harm upon local populations, and eventually resulted in the deterioration of government structures. However, while most of these wars did end in peace accords, transitioning to a stable democracy often proved to be a great challenge regardless. In many cases, the lack of socioeconomic prospects for newly reintegrated combatants meant that they had to rely on illicit means to earn money- a perfect environment for organized crime groups to prosper.

Geography, too, has been a key factor. Central America finds itself on the crossroads between the drug production sites of South America and the high-demand markets of the United States, meaning that it is an important route for those wishing to engage in the illicit (yet equally lucrative) drug trade. Thus, it has gradually become a key corridor for narcotics trafficking, with powerful cartels taking advantage of poor border security, weak law

enforcement and internal corruption to continue their activities. Beyond drug trafficking, these networks have also been used to smuggle arms and illegally extracted natural resources; to launder and transport large amounts of money; and to feed human trafficking rings as well.

Social inequality and chronic poverty have aggravated the situation further. A staggering 60% of the population lives below the poverty line in most Central American countries, which means that participation and recruitment into a gang can sometimes be a prerequisite to cover the cost of living. Education, employment opportunities and welfare are also very limited, making it difficult for the youth to earn money elsewhere. Thus, in a way, criminal organizations fill the gap left behind by local governments (owing to their inability to financially support marginalized communities) by giving these individuals a source of income, and a sense of protection.

Criminal activity is made more rampant by the weakness of national judiciary systems. Judges, prosecutors and witnesses are often attacked or killed for participating in cases involving prolific gang members, which forces them to engage in self-censorship, or outright avoid enacting proper justice. This leads to high impunity rates (above 90%, in certain states), and a lack of accountability, seeing as criminals are able to get away with their illicit activities through sheer intimidation. The general lack of funding for courts also contributes to the incapacity of these institutions to properly prosecute and dismantle criminal networks.

The Impact of Gang Activity

The impact of uncontrolled organized crime has been disastrous. Countries such as El Salvador and Honduras have, at times, had some of the highest homicide rates in the world. Small and large businesses are under the continued threat of being extorted by gangs, driving away opportunities for foreign investment. Vast violence and insecurity have also induced a mass migration crisis, with hundreds of thousands of people forced to flee to North America in order to reach a more safe and secure environment. This has been a source of strain for neighboring countries, and has also heightened humanitarian challenges in regions like the US-Mexico border.

In order to minimize these negative consequences, it is necessary to take measures to hold TCOs accountable for their criminal actions. Thus, strengthening judicial systems is not only of great importance for national security, but also for sustainable development and welfare. Judicial reform, to be effective, must uphold the principles of independence and transparency, and it must also enhance the capacity of courts to investigate and prosecute more complex cases. It must also be conducted in tandem with more development-focused solutions, specifically by tackling the root causes of crime- such as poverty, unemployment and a lack of strong social services.

Accordingly, mitigating organized crime in the long term relies heavily on strengthening international partnerships and government institutions. The Sustainable Development Commission therefore has an important role to play in assisting Central American states with conducting legal reforms, building new anti-corruption frameworks, and supporting economic development- all of which combine to produce capable, credible and inclusive judicial systems.

Major Parties Involved

Costa Rica

Costa Rica, despite having one of the lowest poverty rates within Central America, struggles greatly against TCOs and local gangs. Because of its geographical location, Costa Rica is right on one of the most important drug trafficking routes in the world. This, coupled with relatively low border security, makes Costa Rica particularly vulnerable to gang violence, which also corrupts the country's youth. In order to address this issue, Costa Rica plans on implementing a similar policy to El Salvador, as described below.

Mexico

Although it is not directly part of Central America, Mexico is a state that still deals regularly with local gangs and cartels. It's part of the same trafficking route as Costa Rica, and although it has attempted to implement preventative measures to stop drug trafficking on the whole, these have been unsuccessfully due to their weak judiciary system, and the influence that drug cartels have on Mexican politicians, thanks to bribery and corruption.

Panama

Panama geographically connects both Central and South America together. It also has a favorable economy, owing to low taxation rates; however, a controversial judicial system and high levels of corruption mean that the nation acts as a key transit point for illicit trade, and for the smuggling operations of criminal organizations. Violent crime in Panama is also exacerbated by the presence of larger drug cartels and guerillas, who hope to obtain political power within the country.

Guatemala

Guatemala has struggled with extremely high poverty rates, political instability, organized crime and increasing homicide rates, ever since the end of its 36 year long civil war. All of these, together with the lack of funding for the judicial system and national security, mean that criminal organizations are easily able to gain significant power over the government, preventing the implementation of proper reform policies.

El Salvador

El Salvador used to be a prime example of a nation affected by intense gang violence, during the early 21st century. However, the situation took a favorable turn in 2022, when President Nayib Armando Bukele Ortiz declared a state of emergency and launched one of the largest anti-organized crime operations in history. Since then, approximately 84,000 organized crime members have been arrested in El Salvador, over the span of three years. This immense success against organized crime has also inspired many countries, such as Costa Rica, to plan their own wide-scale operations.

United States of America (USA)

Having returned to power in the USA, the Trump administration has increased its efforts to maintain border security and combat drug trafficking. Regardless, its new policies have not yielded desirable results: trafficking continues to persist in the region, and its border remains one of the most dangerous in the world. Past attempts to cooperate with Central American nations were slightly more effective, owing to the USA's strong economy and judicial frameworks. It is this power that gives them the potential to lead a battle against TCOs in Central America, and to come out victorious.

Chronology of Important Events

November 13, 1960	The start of the Guatemalan civil war, which lasted 36 years.
October 15, 1979	The start of the civil war in El Salvador, which lasted 13 years.
September 29, 2003	The United Nations Convention against Transnational Organized Crime (UNTOC) enters into force.
1 August, 2007	The Guatemalan Congress ratifies the agreement between Guatemala and the UN to establish The International Commission Against Impunity in Guatemala (CICIG).
December 3, 2008	The Merida Initiative is signed between the USA and Mexico to ensure cooperation when combating drug trafficking and organized crime.
September, 2013	The Global Initiative Against Organized Crime (GI-TOC) is launched by the UN.
September 3, 2019	CICIG is terminated after persistent disputes with the Guatemalan Government.
March 27, 2022	El Salvador declares a state of emergency and launches a mass operation against gangs and cartels in the country, targeting organized crime members and resulting in the arrest of about 84,000 people.

Relevant International Documents

- [United Nations Convention against Transnational Organized Crime](#) (UNTOC), November 15, 2000 - The foundational international legal instrument to combat transnational organized crime.
- [Central American Security Strategy](#), 2003 - A regional coordinated strategy focused on citizen security, crime prevention, strengthening judicial systems,

and promoting human rights across Central American countries.

- [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing UNTOC](#), 2000 - Addresses organized crime networks engaged in human trafficking, and their involvement in cases involving vulnerable groups like the youth.

Past Attempts to Resolve the Issue

For the last 20 years, there have been both national and international efforts to tackle organized crime, and to improve judicial systems in Central America. Perhaps the most notable of these was the International Commission against Impunity in Guatemala (CICIG), which was founded in 2006 via a UN agreement with the Guatemalan government. In fact, CICIG investigated and dismantled powerful criminal networks operating within state institutions, and its success proved the possibility of independent, international-backed judicial reform mechanisms.

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) was a similar effort, but it was limited by both its mandate, and by constant pushback from the political establishment. Training initiatives in courts, advancements in forensic capacity, and anti-gang programs have all been attempted, alongside various U.S. programs that provided support to afflicted states (such as the Central America Regional Security Initiative, CARSI), which the European Union and the Organization of American States have also participated in. Despite these actions, though, the long-term impact has often been limited by internal political interference and a lack of sustainable funding.

Regional frameworks such as the Central American Integration System (SICA) have promoted collaboration among member states to combat organized crime through sharing information. However, their effectiveness must be questioned, due in part to the lack of true political commitment shown by the nations involved.

Solution Alternatives

One of the main obstacles to ensuring the development of judicial systems in Central America is the lack of multilateral cooperation within the region. In order to address this, steps should be taken to establish a regional anti-crime pact, aiming to increase border

security, or to create a well-funded regional task force against criminal organizations. However, maintaining the diplomatic dialogue necessary for the creation of this pact may prove to be difficult. Because of this, the guidance of third-party nations or the supervision of international bodies such as the UN could be helpful.

Another problem that has to be overcome to resolve the issue is the quality of life within Central American countries. Regardless of developments in national security, if the quality of life remains low and poverty levels keep rising, it is inevitable that the youth will partake in the activities of criminal organizations. Considering the fact that many of the nations in Central America have poverty rates exceeding 60%, it is evident that urgent humanitarian assistance is necessary. Furthermore, some nations, such as Nicaragua, also suffer from constant natural disasters, whose effects become incredibly lethal when the necessary infrastructure is absent. Therefore, international assistance to aid in the construction of said infrastructure should also be provided.

Most importantly, in order to fully solve the issue, a multilateral legal framework has to be established between Central American nations. This could be done through a credible international body, which would mediate the formulation and adoption of these frameworks. In order to succeed in its goals, standardized laws against organized crime could be decided upon, which would then be enforced by regional or international courts that could try alleged members of criminal organizations. It is necessary to recognize, however, that gangs may try to intervene in the government to prevent these measures from being enacted, so financial or political incentives may have to be considered to ensure full support.

Finally, new programmes could aim to promote coordination between Central American countries and nations with strong judicial systems, so that vital legal knowledge can be shared, and experts can be sent to aid in the creation of similar bodies in the region. International mediatory organs could also be relied upon, who would work with governments to develop measures against corruption, and to promote transparency.

Regardless, delegates must keep in mind the importance of considering the region's geographic conditions and historical background, while debating and lobbying with others; international cooperation will be key in overcoming these obstacles to settle the issue, once and for all.

Useful Links

<https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/introduction>
Details U.S. strategy to combat transnational crime worldwide.

<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/882501468242386224/main-report> Investigates how crime and weak institutions hinder development in Central America. Highlights the need for more robust judicial systems.

<https://www.elibrary.imf.org/downloadpdf/display/book/9781484353844/ch06.pdf>
Illustrates how weak legal enforcement enables organized crime to flourish.

https://www.unodc.org/documents/data-and-analysis/gsh/2023/GSH_2023_LAC_web.pdf
Showcases data on crime rates in Latin America. Points to weak justice systems as a crucial factor in perpetuating high violence rates.

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