Tom Lantos Human Rights Commission

Organized Crime, Gangs and Human Rights in Latin America

Thursday, December 14, 2023
9:00 – 10:30 a.m.
Room TBD

As prepared for delivery

Good morning and welcome to today's Tom Lantos Human Rights Commission hearing on organized crime, gangs and human rights in Latin America. I extend a special welcome to our witnesses, who I will introduce shortly, and to my Republican colleagues.

We have a large panel today and we expect votes to be called, so I will be brief.

Anyone paying attention to Latin America knows that the region is confronting many challenges. These include high rates of violence and homicide, often linked to organized crime.

To cite one indicator, the U.N. Office on Drugs and Crime has found that the Americas have the highest homicide rate in the world, and organized crime is responsible for at least half of all homicides.[1] In 2021, 8 of the 10 countries with the highest murder rates were in Latin America and the Caribbean.

Overall figures like these mask important differences among countries in the dynamics of crime and violence, and in government responses. The three countries we are focusing on today – Mexico, El Salvador and Colombia – have distinct histories and experiences.

What they have in common, though, is that all are confronting entrenched criminal organizations whose territorial control and operations put many people at risk – normal people

[1] UNODC, *Global Study on Homicide 2023*, Preface.

just trying to live their lives, and the civil society leaders, journalists and politicians who try to stand up to them.

In El Salvador, it's criminal gangs who have been engaged in drugs, extortion, money laundering and weapons smuggling since the 1990s.

In Mexico, it's drug cartels that have evolved into transnational criminal organizations.

In Colombia, it was initially armed groups with political agendas financed by criminal activity, including the illicit drug trade. Since the 2016 peace agreement removed the FARC from the picture, the remaining insurgent groups have persisted and evolved, and new criminal organizations have appeared.

Some may wonder why we are drawing attention to organized crime and gangs as a human rights problem, since they are private actors.

There are several reasons.

First, under international human rights law, states have an obligation to protect individuals' security. Article 3 of the Universal Declaration of Human Rights – whose 75th anniversary we commemorate this week – says that "Everyone has the right to life, liberty and security of person." This is echoed in the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

But many states seem clearly to be failing to meet their obligation to protect, and that may give rise to state responsibility by omission.

Second, there are well-substantiated allegations that government officials, including the military and police, have been complicit in the activities of gangs and organized criminal groups in the three countries we're discussing today.

We shouldn't be surprised – the role corruption plays in empowering bad actors is clear. But it is another reason that governments are responsible.

Third, organized crime is a human rights problem because too often the policies governments implement to combat it end up undermining people's rights.

El Salvador is a case in point. Under the state of emergency imposed in March 2022, more than 72,000 people have been arbitrarily detained. Hundreds of abuses have been documented, including torture, denial of food, medicine and access to legal counsel, and deaths in custody. This Commission held a hearing last September on the grave consequences of the this state of exception for human rights.

Even when citizen security policies are not designed to be highly repressive, they can have negative consequences for human rights.

Mexico's "hugs not bullets" policy is supposed to prioritize the socioeconomic drivers of violent crime. But the government has deepened the military's role in public security, underfunded investigations and the justice system, and spied on and attacked human rights defenders, including one of the witnesses in this Commission's June 2022 hearing on Mexico.

In Colombia, the government's Total Peace policy raises complex questions about the legal status of criminal organizations and whether their victims can access transitional justice processes. Meanwhile, high popular expectations that the Petro government would improve security in rural areas have not yet been met – in particular, social and community leaders continue to be killed, at a pace only slightly lower than prior years.

So: given that gangs and organized crime are a human rights problem, we should focus on human rights-based approaches to confronting it.

That is our objective today, and I look forward to hearing the witnesses' recommendations.