TOPIC A: The 2017 Honduran Presidential Election

INTRODUCTION

Honduran citizens woke up to the marching of soldiers in Tegucigalpa on June 28, 2009, as two hundred soldiers made their way to the president's house. As the soldiers forced their way into the house, they took the president, Manuel (Mel) Zelaya from the Liberal Party, and flew him to Costa Rica. Despite the Honduran constitution not permitting re-election, President Zelaya had been trying to push his movement "La Cuarta Urna (The 4th ballot box)" with which he hoped to add a fourth ballot box- a referendum- that would go around the Honduran constitution and permit his re-election. The soldiers' actions against Zelaya were a clear response from Honduran citizens to a threat to their constitutional rights- the people of Honduras were unwilling to remain still as a greedy politician tried everything to remain in power. Somehow, however, even after a coup d'etat that occurred as a result of a presidential candidate trying to get re-elected, Honduran citizens found themselves in a similar position in 2017, as President Juan Orlando Hernandez (JOH), questionably managed to gain permission from the Supreme Court to run for a second term. During the 2017 Honduran presidential elections three candidates faced off- the incumbent, Hernandez from the National Party, Mr. Luis Zelaya from the Liberal Party and Mr. Salvador Nasralla from the newly formed Alianza de Oposición (Alliance of Opposition). As the highly contested results came to light several days after the election, Juan Orlando Hernandez was declared president for a second term.

This committee begins on *December 17th 2017*, the date that the Supreme Electoral Tribunal officially announced Hernández as the winner of the 2017 Honduran presidential elections, and Mel Zelaya called on a national strike in response. There is a clear parallel between the actions of President Hernandez and Mel Zelaya, which raises the question - why was Mr. Zelaya ousted out of office, whereas President Hernandez was supported by the majority of the population? And getting to the heart of the matter, was Hernandez *actually* supported by the majority?

HISTORY OF THE TOPIC

Manuel Zelaya

Manuel Zelaya, who is more commonly known as Mel Zelaya, is a Honduran politician that was elected as president of Honduras in 2006. During his presidency, Zelaya and his policies started to noticeably shift towards the left. In doing so, Zelaya sought the support of Hugo Chávez, the popular leftist president of Venezuela at the time. Making this alliance official, under Zelaya, Honduras joined the Bolivarian Alternative of the Americans (Alianza Bolivariana para las Américas or ALBA) in 2008.[1] The ALBA was a regional bloc formed in 2004 with the initiative of the Venezuelan and Cuban governments as an alternative to the proposed Free Trade Area of the Americas (Área de Libre Comercio de las Américas or ALCA) agreement, as the ALCA was led by the United States.[2] Zelaya's decision to have Honduras join the ALBA was not popular amongst some Hondurans, like businessmen and leaders of Congress. Businessmen defended their stance against it by explaining that ALBA was a political and military alliance based on left-wing ideology and that it sought to work against "freedom of commerce, the exercise of individual liberties and the free determination of [their] society."[3]

Further adding to his controversial decisions, as the next elections neared, Zelaya decided to begin the 'Cuarta Urna' (The Fourth Ballot Box) project. The goal of this project was to have a referendum to overturn the constitutional law in Honduras that does not permit presidential re-election. He announced his project for the first

[1]Goldberg, Maren. "Manuel Zelaya." Encyclopædia Britannica, Encyclopædia Britannica, Inc., www.britannica.com/biography/Manuel-Zelaya.

[2]Britannica, The Editors of Encyclopaedia. "Bolivarian Alliance for the Peoples of Our America." Encyclopædia Britannica, Encyclopædia Britannica, Inc., www.britannica.com/topic/Bolivarian-Alliance-for-the-Peoples-of-Our-America.

[3] Interfaz. "Empresarios Hondureños Rechazan Adhesión Al Alba." Diario La Prensa, La Prensa, 8 Mar. 2014, www.laprensa.hn/honduras/556881-97/empresarios-hondurenos-rechazan-adhesion-al-alba.

time on February 17, 2009, just one day before a referendum was passed in Venezuela that permitted Hugo Chávez's prolonged term in power. A month later, Chávez admitted that Zelaya's proposal had been his idea. Almost immediately, the Fourth Ballot Box was met with opposition across the country. Among the leaders of the opposition was the president of Congress at the time, Roberto Micheletti, who reminded everyone that electoral law cannot undergo reforms the year that elections were going to be held. The office of the Attorney General also commented on how the article of the Constitution on reelection is irreformable and how it was not within the president's power to call for such a referendum. Zelaya's response to his opposition was that the proposal had already started and no one was stopping it. Seeing no change in stance from Zelaya, more people started to publicly oppose the referendum, including the leader of the Armed Forces who eased the population by assuring them that the military would not support any candidate who wanted to remain in power forcefully. Zelaya went as far as to fire the armed forces commander when the army refused to organize the vote for the referendum. However, the commander was quickly reinstated as the Supreme Court declared Zelaya's actions illegal.

Zelaya also tried to counteract the opposition by commencing a strong and controversial media campaign that, some believe, sought to confuse voters by depicting donations and other service projects. The media campaign, despite being opposed by a great number of people, was paid for using government funds, which only added to the outrage that the public felt. While Zelaya focused on his re-election, Honduras was suffering from an outbreak of influenza and had experienced an earthquake with a magnitude of 7.1 degrees on the Richter scale. Zelaya continued to push for a referendum that had already been ruled illegal and one that was clearly opposed by even members of his own party. As the government ignored the protests against the referendum and the concerns of those affected by the earthquake and/or the influenza outbreak, rumors of a coup started to spread. [4]

As aforementioned, Manuel Zelaya was forced out of the country and into exile by the military on June 28, 2009. Roberto Micheletti, president of Congress, was named interim president by Congress until the next elections were held. The nation's electricity was cut off for most of June 28 around cities, the military roamed the capital, and a nationwide curfew was imposed. While the military did not provide an explanation for this, the Supreme Court defended their actions by holding that they did so to protect the constitution. The Organization of American States called an emergency meeting at this time and issued a statement through which they called for Zelaya's return to power and declared that they would not support another government. The Obama administration supported the OAS statement.[5] The

Figure 1: "Supporters of President Manuel Zelaya blocked a street to prevent tanks from arriving near the presidential palace in Tegucigalpa" Image Source: Oswaldo Rivas/Reuters

[4] "Honduras: La Ruta Ilegal De La Cuarta Urna." Diario La Prensa, www.laprensa.hn/honduras/532850-97/honduras-la-ruta-ilegal-de-la-cuarta-urna.

[5] Malkin, Elisabeth. "Honduran President Is Ousted in Coup." The New York Times, The New York Times, 28 June 2009,

OAS also decided to suspend Honduras from the organization- it was the first time since 1962 that a member state was suspended. The OAS did not encourage members to impose sanctions on Honduras, but rather decided to focus on engaging in diplomatic initiatives with the interim government. In the end, the US did end up cutting back on some of its aid and collaborations with Honduras, as a result of the events of June 28. [6]

Juan Orlando Hernandez, Xiomara Castro and Libre

The presidential elections in Honduras occur every four years and are usually dominated by two main parties- the Liberales (Liberal Party) and the Nacionales (National Party). The party in power usually alternates pretty evenly between the two, or at least that was the case before June 2009, when Honduras experienced the aforementioned coup d'etat. Since 2009, the next three elections have resulted in the National Party coming into power. In the 2009 elections, the dominant candidates were Porfirio Lobo for the National Party and Elvin Santos, the vice-president under Zelaya. Having just overthrown Zelaya, it was to be expected that the majority of Honduras would want to cut ties with him, which favored Lobo to win the elections. The results of the election demonstrate an obvious majority that supported the National Party, who won over fifty-five percent of the vote, while the Liberal Party won just under forty percent.[7] These results demonstrate the popularity of the National Party and how a loss in voters for the Liberal Party usually means a gain in support for the National Party.

After ex-president Zelaya was overthrown, distinct factions emerged within the Liberal party. First, emerged the Libre y Refundación (Liberty and Refoundation) party, characterized by the strong support for Zelaya and his strong leftist political ideals. At the head of this party and as a candidate for president was Xiomara Castro, Zelaya's wife. Then, the division within the Liberal party grew even more in 2013, when sports broadcaster Salvador Nasralla founded the Anti-Corruption party. Although in the 2013 elections it rallied little support, the Anti-Corruption party grew in popularity over the following years. The results of the 2013 Honduran elections are notable because they are the first in which votes are distributed over multiple parties. Juan Orlando, with the National Party, won almost forty percent of the vote, and so was elected president. Nasralla, running for his Anti-Corruption Party, gathered the support of nearly fifteen percent of the population. Mauricio Villeda, the candidate for the Liberal Party won around twenty percent of the vote. [8] The Liberty and Refoundation party led by Xiomara Castro won nearly thirty percent of the vote, a surprising figure as this is the first time a new party won a substantial fraction of the votes. The results of this election demonstrate the increasing popularity of the newly formed parties and their eclectic leaders. Furthermore, it demonstrates that the major loss of support for the two main parties came at the expense of the Liberal Party, who went from usually having the support of around fifty percent of the population to only having the support of one twenty percent of the voters' support. Despite a greater number of strong parties in the running, the National Party still received the majority of the votes.

CURRENT STATUS

For the elections of 2017, President Hernandez managed to get approval from the Supreme Court to run for reelection through a "loophole" in the constitution's clause on re-election. Hernandez used a former president's argument that claimed that it was unconstitutional not to permit re-election, as it infringed people's right to choose and candidates' right to get elected. As a result, Mr. Hernandez ran for re-election in the 2017 election, against Salvador Nasralla,

www.nytimes.com/2009/06/29/world/americas/29honduras.html.

6 Thompson, Ginger, and Marc Lacey. "O.A.S. Votes to Suspend Honduras Over Coup." The New York Times, The New York Times, 4 July 2009, www.nytimes.com/2009/07/05/world/americas/05honduras.html.

7 "Informe Final Elecciones Generales De Honduras 2009." USAID, 2010, www.ndi.org/sites/default/files/NDI_Honduras_Informe_Final_Mision_Internacional_de_Estudio_y_Acompanamiento_espanol.pdf

8 "Se tenía más de una década de no invertir en infraestructura": Juan Orlando. (n.d.). Retrieved April 19, 2018, from http://www.laprensa.hn/honduras/927823-410/se-tenía-más-de-una-década-de-no-invertir-en-infraestructura-juan

Figure 2: Pictured: Salvador Nasralla and Manuel Zelaya

the candidate for the Alliance and of course, against the Liberal Party's candidate Luis Zelaya.

When the committee in charge of the elections, the Supreme Electoral Tribunal (TSE), first provided an update on the results, there was a trend favoring the Alliance. After some time and a questionable glitch, however, Hernandez was in the lead by just over one percent. With questions of legitimacy in mind, and with the experienced vote swing, many international organizations and media organizations have simply written off Hernandez's win to corruption- as such scandals surrounding elections are not a novelty in Honduras. Fueled by the belief that the National Party had tampered with the results, the supporters of the Alliance went to the streets to protest against Hernandez's victory.

Waiting for the Results

The first update on the elections' results came the day after the election was held. This update came after around fifty seven percent of the ballots were counted, and it placed Nasralla in the lead with just over forty-five percent of the vote in his favor. Hernandez, however, was just behind with forty percent of the vote. [9] There was still a sizeable fraction of votes to consider, yet Nasralla was already claiming that he had won the elections. [10] As more ballots were counted, the difference between Nasralla and Hernandez decreased. With just over eighty percent of the ballots counted, Hernandez was in the lead by forty votes. This update sent supporters of the Alliance out onto the streets, claiming that that the elections had been fixed. Just after this happened, it was announced that there was an error due to an overload in the TSE's server. This error shut down the platform that tallied the results for six hours, but the TSE continued to count ballots during this time. After the error was fixed, and the results were being transmitted live again, Hernandez's lead had increased again, triggering the Alliance's supporters to continue their protests. It is important to note that there was an initial shift in the trend before the platform shut down, meaning that the number of ballots favoring Hernandez were increasing before the error. The shift in whom the results were favoring alongside the glitch in the TSE's system resulted in the questioning of the results' validity.

Violent Protests

On December 1st, the TSE announced that no more updates would be given until around a thousand tally sheets that had not been filled out properly were filled out. At this time, in response to the controversy surrounding the results of the elections, Honduras was experiencing violent protests across the country. [11] As the protests continued to increase, President

[9] OEA. (2017a, December 4). OEA - Organización de los Estados Americanos: Democracia para la paz, la seguridad y el desarrollo [Text]. Retrieved May 8, 2018, from http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-089/17

[10] Salvador Nasralla se declara ganador de las elecciones generales 2017. (n.d.). Retrieved May 8, 2018, from http://www.elheraldo.hn/eleccioneshonduras2017/partidoalianza/1129837-508/salvador-nasralla-se-declara-ganador-de-las-elecciones-generales-2017

[11] Redacción. "Las 1.031 Actas Que Decidirán Al Próximo Presidente De Honduras En Medio De Protestas, Violencia y Denuncias De Fraude - BBC News Mundo." *BBC News*, BBC, 2 Dec. 2017, www.bbc.com/mundo/noticias-america-latina-42191565.

Figure 4: Orlando Sierra/Agence France-Presse — Getty Images

Hernández announced a ten-day curfew from 6 pm to 6 am to try and contain the situation.[12] By December 2nd, at least seven people died and more than twenty people were injured due to the protests. During the night, thousands protested the curfew by banging pots and pans in the streets in a form of protest that is known as 'cacerolazos.'[13]

With the TSE officially granting President Hernández the victory on December 17, a new wave of protests began, including the blockage of the exits of both major cities San Pedro Sula and Tegucigalpa. [14] The difference in votes between President Hernández and the Alliance of Opposition was just over one percent, with the Alliance winning 41.42 percent of the vote.[15] These past elections further demonstrate the weakening of the Liberal party whose loss was magnified by its poor results, under fifteen percent of the vote. While it appears to be a reasonable conclusion to assume that the results of the elections were tampered with, granted the irregularities experienced, this assumption still fails to take into account the efforts of the TSE to ensure fair elections and the order in which the TSE received the ballots from different regions.

The results of the 2017 elections have been contested by candidates, journalists and international organizations alike. José Miguel Vivanco, director of the Human Rights Watch for the Americas claimed that there were "strong indications of electoral fraud." [16] Secretary General of the OAS, Luis Almagro, expressed his belief that the presidential elections had not been democratic and therefore were inconclusive. [17] Popular media companies such as Univisión and the

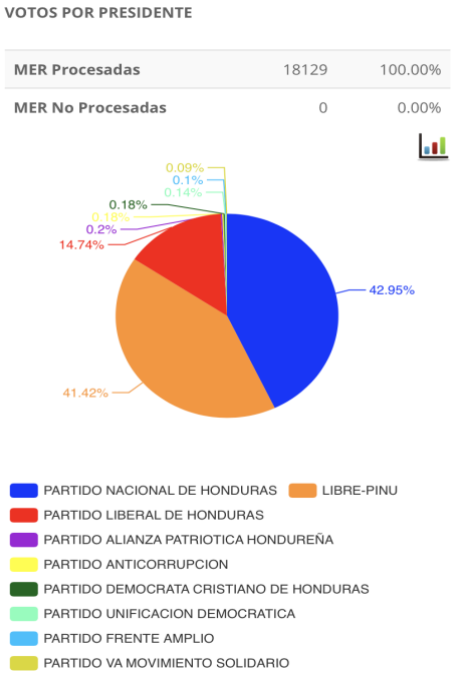

Figure 3: Image Source: Supreme Electoral Tribunal of Honduras

[12] JFLORES02. "Honduras: Toque De Queda De 6:00 Pm a 6:00 Am Por 10 Días." Diario La Prensa, La Prensa, 2 Dec. 2017, www.laprensa.hn/honduras/1131413-410/toque_de_queda-saqueos-elecciones-honduras-disturbios-nasralla-juan_orlando_hernandez.

[13] Efe. "Honduras: Posible Fraude, Muertos y Mucha Tensión." *Mundo - ABC Color*, ABC Color, 2 Dec. 2017, www.abc.com.py/internacionales/honduras-posible-fraude-muertos-y-mucha-tension-1654877.html.

[14] AFP Tegucigalpa. "Las Protestas Se Intensifican En Honduras Tras La Reelecci." ELMUNDO, December 19, 2017. https://www.elmundo.es/internacional/2017/12/19/5a38eb3e268e3eed278b460e.html.

[15] Sistema de Divulgación - TSE Honduras 2017. (n.d.). Retrieved April 19, 2018, from https://resultadosgenerales2017.tse.hn/

[16] HRW: "Indicios contundentes de fraude electoral" en Honduras | América Latina | DW | 12.12.2017. (n.d.). Retrieved May 8, 2018, from http://www.dw.com/es/hrw-indicios-contundentes-de-fraude-electoral-en-honduras/a-41750924

[17] OEA. (2017b, December 17). Comunicado de la Secretaría General de la OEA sobre las elecciones en Honduras [Text]. Retrieved May 8, 2018, from http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-092/17

New York Times have also reported on the likelihood of corruption playing a role in the elections. [18] Nasralla and Zelaya, representatives of the Alliance, have been the most outspoken about the manipulation of the elections. Rather than focusing on the elections as a whole, both have targeted the National Party for wanting to "steal the elections"[19] and claiming how they would not allow the Nationals to "steal their victory."[20] Considering the number of organizations and individuals publicly condemning the elections, it makes sense that many individuals came to accept this as the truth.

Efforts of Transparency

Despite the international response, the TSE must be commended for its efforts to ensure a fair election. OAS observers visited over four hundred voting centers distributed among seventeen of the eighteen states in Honduras. The OAS representatives reported some irregularities with the ballots that were delivered physically, as some had been opened before arriving at the TSE headquarters to be counted. Given this observation, the OAS representatives made sure that the ballots from over a thousand ballot boxes that they suspected held "numerical inconsistencies" were counted twice- further contributing to the TSE's time delay to announce the final results of the elections. Moreover, the observers present during election day placed the counting of the results under scrutiny to try to guarantee fair and democratic elections for the citizens of Honduras.

Further supporting transparency in the elections is the close supervision of the event nationwide by the Supreme Electoral Tribunal (TSE), an independent body. The Honduran Presidential Elections of 2017 have been the most supervised in its history because the TSE wanted to assure citizens that the elections would be conducted cleanly. Overseeing the elections were representatives of international bodies, as well as Honduran citizens representing all parties of The results of the 2017 elections have been contested by candidates, journalists and international organizations alike. José Miguel Vivanco, director of the Human Rights Watch for the Americas claimed that there were "strong indications of electoral fraud."[21] Secretary General of the OAS, Luis Almagro, expressed his belief that the presidential elections had not been democratic and therefore were inconclusive. [22] Popular media companies such as Univisión and the New York Times have also reported on the likelihood of corruption playing a role in the elections. [23] Nasralla and Zelaya, representatives of the Alliance, have been the most outspoken about the manipulation of the elections. Rather than focusing on the elections as a whole, both have targeted the National Party for wanting to "steal the elections"[24] and claiming how they would not allow the Nationals to "steal their victory." [25]

[18] Malkin, E. (2017, November 25). La desconfianza prevalece en las elecciones de Honduras – Español. Retrieved May 8, 2018, from https://www.nytimes.com/es/2017/11/25/honduras-juan-orlando-hernandez-manuel-zelaya-reeleccion/

[19] Díaz, M. G. (2017, December 5). "No vamos a dejar que se roben estas elecciones": el expresidente de Honduras Manuel Zelaya habla con BBC Mundo sobre las protestas y las denuncias de fraude. BBC Mundo. Retrieved from http://www.bbc.com/mundo/noticias-america-latina-42217814

[20] Nasralla reitera fraude electoral: Nos quieren robar el triunfo | Noticias | teleSUR. (2017, November 29). Retrieved May 8, 2018, from https://www.telesurtv.net/news/Nasralla-reitera-fraude-electoral-Nos-quieren-robar-el-triunfo-20171129-0069.html

[21] HRW: "Indicios contundentes de fraude electoral" en Honduras | América Latina | DW | 12.12.2017. (n.d.). Retrieved May 8, 2018, from http://www.dw.com/es/hrw-indicios-contundentes-de-fraude-electoral-en-honduras/a-41750924

[22] OEA. (2017b, December 17). Comunicado de la Secretaría General de la OEA sobre las elecciones en Honduras [Text]. Retrieved May 8, 2018, from http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-092/17

[23] Malkin, E. (2017, November 25). La desconfianza prevalece en las elecciones de Honduras – Español. Retrieved May 8, 2018, from https://www.nytimes.com/es/2017/11/25/honduras-juan-orlando-hernandez-manuel-zelaya-reeleccion/

[24] Díaz, M. G. (2017, December 5). "No vamos a dejar que se roben estas elecciones": el expresidente de Honduras Manuel Zelaya habla con BBC Mundo sobre las protestas y las denuncias de fraude. BBC Mundo. Retrieved from http://www.bbc.com/mundo/noticias-america-latina-42217814

[25] Nasralla reitera fraude electoral: Nos quieren robar el triunfo | Noticias | teleSUR. (2017, November 29). Retrieved May 8, 2018, from https://www.telesurtv.net/news/Nasralla-reitera-fraude-electoral-Nos-quieren-robar-el-triunfo-20171129-0069.html

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COUNTRY POLICY

United States

In 2009, United States President Barack Obama did not support the removal of President Zelaya from office, insisting that Honduras must "respect democracy and the rule of law." President Obama asked that any tensions "be resolved peacefully through dialogue free from any outside interference." [27] As long as the United States determines that the 2017 elections were fair, it will support the president that has been democratically elected.

Venezuela and Bolivia

In 2009, Venezuelan President Hugo Chavez, blamed "the Yankee empire" for the coup in Honduras. President Evo Morales of Bolivia described Mr Zelaya's removal as "an assault on democracy." Having had a history of supporting Mr. Zelaya and supporting similar policies, we can assume that both nations are not happy with the re-election of President Hernandez. [28]

Venezuela, Ecuador, Nicaragua and Bolivia

All these nations have recently sought to change their constitutions to permit longer presidential tenures - whether these changes have been done completely by the book remains to be determined. [29]

KEYWORDS

Partido Liberal (Liberal Party)

A center-left political party founded in 1891. Luis Zelaya ran as the candidate for this party in the 2017 elections. Historically, one of the two most influential parties in Honduras.

Partido Alianza (Alliance Party)

An alliance between the Liberty and Refoundation Party (founded by Xiomara Castro, Mel Zelaya's wife), the Anti-Corruption Party (founded by Salvador Nasralla) and the Innovation and Unity Party.

[26] Proceso. (2017, August 29). Honduras: 800 observadores legitimarán elecciones. Retrieved May 8, 2018, from http://www.proceso.hn/proceso-electoral-2017/36-proceso-electoral/honduras-800-observadores-legitimaran-elecciones.html

[27] "Obama Concerned over Expulsion of Honduran Leader." Reuters. Thomson Reuters, June 28, 2009. https://www.reuters.com/article/idINIndia-40651920090628.

[28] "Honduran Leader Forced into Exile." BBC News. BBC, June 28, 2009. http://news.bbc.co.uk/2/hi/americas/8123126.stm.

[29] Call, Charles T. "What Honduras' Election Crisis Reveals about Latin America's Broader Democracy Challenges." Brookings. Brookings, December 4, 2017. https://www.brookings.edu/blog/order-from-chaos/2017/12/04/what-honduras-election-crisis-reveals-about-latin-americas-broader-democracy-challenges/.

Partido Nacional (National Party)

A right-wing political party. Juan Orlando Hernandez ran as the candidate for this party in the 2013 and 2017 elections. Historically, one of the two most influential parties in Honduras.

Supreme Electoral Tribunal (TSE)

The institution that oversees and organizes all elections in Honduras, the transparency surrounding them, and promotes citizen participation in these events.

La Cuarta Urna (The Fourth Ballot Box)

President Manuel Zelaya's plan to summon a constitutional assembly to amend the Honduran Constitution so that it would allow for presidential re-election.

QUESTIONS FOR CONSIDERATION

- What immediate action should the OAS take in order to alleviate the current protests and turmoil in Honduras? Will the OAS or any member countries offer aid for those affected by the violent protests?
- Will the OAS support the results of the 2017 Honduran elections? If not, on what grounds will it do so and who will decide what happens instead? Will the OAS demand that new elections take place? If the OAS does support the results, how can individual member states or as a whole support the president and alleviate citizens' concerns?
- We have seen the rise of populist leaders in many member countries of the OAS, what precedent will the OAS establish to make sure that presidents keep to the time of their terms?
- What steps can the OAS take to fight fraudulent elections in the future?
- In such cases, how should the OAS go about respecting national sovereignty, while still defending democracy in the region?

TOPIC B: Mass Incarceration in Latin America

INTRODUCTION

Between 2000 and 2015, incarceration rates increased by 14% in the United States, 80% in Central America, and 145% in South America, pointing to a largely unreported mass incarceration crisis throughout the Americas. [30] This increase is largely driven by the increasing use of pre-trial detention methods, or "preventive prison", [31] highly repressive drug laws and enforcement tactics, often promoted and funded by the United States, [32] and the militarization of the police across the hemisphere, resulting from "iron fist" internal security policies ostensibly designed to combat organized crime and violence. [33] The increasing use of incarceration has disproportionately impacted women, [34] lower income people, [35] queer and trans people, [36] and racial and ethnic minorities, [37] but has done very little to lower the extremely high rates of violence and citizen insecurity in the region. [38] The majority of prisons in the Americas are dangerously overcrowded and serve as the headquarters for many networks of organized crime, [39] while forcing those incarcerated to languish in violent and squalid conditions. [40] This background guide cannot discuss the unique histories of the carceral landscape in every nation - these histories cannot be generalized and the experiences of no two states are exactly the same. However, this guide will trace in broad strokes the similarities and general trends in the development of prison and policing systems that lead to the present crisis in many of the institutions of carceral control across the region. Member states of the OAS must face the fundamental challenge of public security policy: how to address high levels of violence in the region, while simultaneously protecting the human rights of those incarcerated and policed.

30 "The Use of Imprisonment Worldwide."
31 Chaparro, Pérez Correa, and Youngers, "Irrational Punishments: Drug Laws and Incarceration in Latin America."
32 "The International Drug War."
33 Gagne, "The Siren Call of Militarization in Latin America."
34 "Women, Drug Policies and Incarceration in the Americas."
35 "The Use of Imprisonment Worldwide."
36 Inter-American Commission on Human Rights, *Violencia contra personas lesbianas, gays, bisexuales, trans e intersex en América*.
37 Segato, "El Color de La Cárcel En América Latina."
38 CNN Español, "América Latina Es La Región Con La Mayor Tasa de Homicidios Del Mundo | CNN."
39 Dudley and Bargent, "The Prison Dilemma."
40 "¿Quién está viviendo en nuestras cárceles?"

TOPIC HISTORY

Penal Colonies, Penitentiaries, and the Birth of the Carceral State

The development of prisons in Latin America and the Caribbean began against a backdrop of slavery, imperialism, and colonization. In addition to the enslavement of indigenous populations and Africans kidnapped and brought to the hemisphere, carceral institutions formed a large part of the state-building strategies of the European colonizers, serving both as a form of social control and geo-political posturing. In particular, carceral institutions and the forced labor of those incarcerated were used to define the contested borders of these colonial empires by building imperial infrastructure along the remote frontiers. Known as penal colonies, these spaces were often established alongside military installations and held prisoners from both the metropole and the colony, who were often forced to labor under extreme conditions to transform distant territories into habitable spaces. [41] These spaces also served to isolate political prisoners from the rest of the population to prevent radical ideas from spreading to other communities.[42]

One prominent example of this strategy is the Ushuaia penitentiary at the southernmost tip of Argentina, which primarily housed those convicted of violent crimes and political prisoners. [43] The establishment of a penal colony in Ushuaia helped Argentina to define its border with Chile by forcing those incarcerated there to build infrastructure like roads, railroads, and firehouses, and to initiate the industrial production of timber in that region that would eventually bring non-incarcerated settlers. The development and modernization of Argentinian Patagonia, and the resulting profits for the rest of the country, was almost entirely dependent on the forced labor of those incarcerated. [44] Another famous example is French Guiana's Devil's Island, where the French government sent those convicted of crimes to an unpopulated island with the explicit goal of settling and developing the territory through their labor, as well as encouraging marriages among those incarcerated there to populate the island.[45]

In contrast, at the same time, prisons in urban centers were built to follow "modern" developments in penology that emphasized the pathologization of criminality, as if crime was a disease that could spread through a society like a contagious syndrome. [46] Thus, the "treatment" was the segregation of those convicted of crimes in penitentiaries heavily inspired by Jeremy Bentham's Panopticon ideal (designed as a sphere of cells surrounding a central surveillance tower, but in practice was an expensive ideal rarely achieved) and usually manifested in a radial design, with rows of cells like spokes extending from a central guard tower designed to prevent interaction between those incarcerated while simultaneously ensuring constant surveillance. [47] The disciplinary regimes predominantly forced incarcerated people to perform hard, repetitive labor under the guise of rehabilitation, often involved in the construction and expansion of the prison itself.[48] Symbols of modernity, highly visible penitentiaries in urban spaces served as a physically imposing reminder of the emerging power of the nation-state in Latin America.[49] Key examples include the Brazilian House of Correction and National Penitentiary of Buenos Aires.[50]

Policing, Criminalization, and Social Control

Rapid demographic changes in the late 19th and early 20th centuries, fueled by European westward migration and the abolition of chattel slavery in much of the Americas, threatened to cause major social and economic shifts, which frightened powerful elites. [51] In particular, industrialists and politicians alike feared that immigrants from Europe and Asia might bring radical ideas about the organization of the economy and society that could destabilize their carefully constructed social order. [52] Furthermore, the struggle for the emancipation of enslaved black communities resulted in the introduction of black labor into the competitive wage labor

41 Edwards, "Post-Colonial Latin America, since 1800." pp. 247.
42 Ibid, 257.
43 Edwards, "From the Depths of Patagonia." pp. 279.
44 Ibid, 288.
45 Redfield, "Foucault in the Tropics." pp. 58.
46 Edwards, "Post-Colonial Latin America, since 1800." pp. 257
47 Ibid, 248.
48 Ibid, 249.
49 Ibid, 247.
50 Ibid.
51 Goebel, "Immigration and National Identity in Latin America, 1870–1930."
52 Ibid.

market at the same time as a major increase in immigrants joining the labor force, leading to extensive social and economic tension that often manifested along racial lines, stoked by persistent racialization and discrimination against black, indigenous, and immigrant communities. [53] Throughout the hemisphere, states responded to these social and economic issues through different arms of the rapidly developing carceral state.

Urban penitentiaries were considered laboratories for the emerging science of criminology, which sought to predict, classify, and treat crime. However, these theories of crime were grounded in fundamentally racist and classist ideologies, closely related to eugenics, that rendered policing and incarceration to primarily serve as a means of social control of immigrants, the descendants of enslaved people, and lower classes that elites felt hindered the industrial progress of the state and simply drained resources. [54] This trend spurred the proliferation of new technology that simultaneously represented the push for modernity in policing and the consolidation of state power. One example is the spread of anthropometry, a method of human classification involving measurements of body parts and facial features, into policing and immigration enforcement, where these measurements were used to identify potential suspects and impose tighter controls on migration between countries.[55] Building off of these ideas, scientists in Argentina developed dactyloscopy in the late 19th century, more commonly known as fingerprinting, as a way for police and immigration authority to uniquely identify citizens by comparing the unique characteristics of their fingerprints to records compiled by police identifying the fingerprints of citizens. As this practice became more widespread, it required a massive investment of resources in the forensic and surveillance capabilities of police and law enforcement in order to compile and utilize this data in policing and immigration enforcement. [56] In addition to fulfilling the desire of government officials across the hemisphere to integrate technology and supposedly scientific methods into policing and incarceration, developments like fingerprinting and identification card systems also served as a method of social control, enabling law enforcement agencies to implement increasingly stringent national and racial restrictions on immigration, as well as increasing the capacity of law enforcement to investigate and incarcerate suspects for crimes.[57]

Another way in which criminal justice was deployed for social control specifically along class and racial lines was the widespread passage of laws criminalizing the bodies, labor, and survival of marginalized communities. [58] Police forces throughout the region poured resources into the implementation of various "vagrancy laws" and public order statutes criminalizing the poor for survival, and enforced new property statutes forcing indigenous and black communities off of communal lands and attributing that land to speculators.[59] For example, in response to the unwillingness of newly freed, predominantly black laborers to work on sugar plantations for miniscule wages, Brazilian authorities implemented measures criminalizing unemployment, homelessness, loitering, and instituting curfews, as well as more strictly implementing so-called public order offenses. [60] Similarly, in Mexico, police targeted petty thieves, known as *rateros*, and sex workers with more urgency in an attempt to eradicate the "criminal classes." [61] These measures were profitable for the developing governments: combining punishment and national development, the military became another branch of the carceral state through the forced conscription of these criminalized groups into the military.[62]

Authoritarianism, Drug Wars, Neoliberalism, and the Rise of Mass Incarceration

The middle of the 20th century saw a wave of authoritarian regimes, in particular military dictatorships, take power throughout the region,

53 Andrews, *Afro-Latin America, 1800-2000*., pp. 142-143.
54 Edwards, "Post-Colonial Latin America, since 1800." pp. 257.
55 Ferrari et al., "Polícia, Antropometria e Datiloscopia."
56 Rodriguez, "South Atlantic Crossings." pp. 403.
57 Edwards, "Post-Colonial Latin America, since 1800." pp. 257.
58 Ibid.
59 Keen and Haynes, *A History of Latin America*. Pp. 267.
60 Andrews, "Review of From Slavery to Vagrancy in Brazil. Crime and Social Control in the Third World."
61 Salvatore, Aguirre, and Joseph, "Cuidado Con Los Rateros."
62 Edwards, "Post-Colonial Latin America, since 1800." pp. 252

characterized by a strong concentration of power in the executive branch and the violent repression of opposition activists by military units.[63] In most of South and Central America, a military dictatorship held power for at least a decade, shaping the structure of society around a continuous fear of the use of state force, an exclusive justice system, and widespread impunity for extralegal violence committed by state actors and their allies.[64] Despite a wave of reform attempts in the 1980's and 1990's aimed at strengthening the rule of law and democratic governance, these measures often reinforced repressive institutions without fundamentally transforming the authoritarian culture and practice, and thus violence and impunity continued to increase throughout the hemisphere.[65] Often, as in the cases of Colombia and El Salvador, after a period of armed conflict/civil war, rebel forces are required to demobilize, but the character of the police and military forces do not substantively change, and thus governance in what is supposedly peacetime closely resembles domestic warfare.[66] Throughout the century, however, as regimes adopted the rhetoric and (some) practices of democracy, they faced pressure to legally legitimize tactics of militarized policing, mass incarceration, and selective prosecution inherited from the explicitly authoritarian era while under the scrutiny of the international community.[67]

One method used to justify the repressive use of state force in emerging democracies was the promotion of ideologies of penal populism, which built off of existing popular anxieties about economic and political shifts by deflecting those anxieties towards individual and organized criminals, portrayed as primarily responsible for instability and violence in the media and political discourses.[68] This primarily manifested in building bases of popular support for highly punitive policies, including lengthening sentences, lowering the age for prosecution as an adult, and the criminalization of drug use, as well as investing resources in penal state-building to expand police forces and outfitting them with sophisticated weapons and technology to resemble military units.[69] Known as "iron-fist"or "law and order" policies, these highly punitive approaches to policing and justice spread extensively throughout the hemisphere during the war on drugs in the late 1980's and 1990's, primarily targeting and criminalizing the urban, low-income, and otherwise marginalized youth at the lowest rung of drug trafficking organizations, and subsequently fueling a drastic rise in incarceration.[70]

These changes took place in the context of increasing United States influence in the region, both in terms of economic policy and law enforcement collaboration. International development banks and other multilateral institutions, financed primarily by the United States, funded neoliberal projects and reforms that emphasized privatization, trade liberalization, and deregulation throughout the Americas, which were adopted enthusiastically by governments such as those in Brazil, Mexico, and Argentina.[71] However, this neoliberal turn also saw increasing economic inequality, unemployment, and informal/subsistence employment as the wealth generated by these reforms became concentrated in a shrinking class of elites, pushing lower social classes, particularly in urban areas, out of the formal economy and into criminalized activities to generate income.[72] This economic and social shift coincides with pressure from the international community, in particular the United States, to invest in the consolidation of the rule of law in order for Latin American and Caribbean states to become more effective partners in the global war on drugs.[73] This primarily incentivized the deployment of every tactic possible to combat drug trafficking, including

63 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 313
64 Iturralde, "Democracies without Citizenship." pp. 310-313
65 Ibid.
66 Hathazy and Müller, "The Rebirth of the Prison in Latin America." pp. 119
67 Ibid, pp. 116-117
68 Chevigny, "The Populism of Fear." pp. 79
69 Hathazy and Müller, "The Rebirth of the Prison in Latin America."
70 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 481
71 Chevigny, "The Populism of Fear." pp. 82-83.
72 Portes and Hoffman, "Their Composition and Change during the Neoliberal Era." pp. 58.
73 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 480.

the use of military in domestic law enforcement and the criminalization of all activities related to the drug trade and organized crime in order to demonstrate to foreign observers that they can be an effective partner in the war on drugs in the hemisphere.[74]

CURRENT STATUS

Incarceration Rates and Prison Conditions

Throughout the 20th and 21st century, increasing rates of physical and property violence have been the dominant discourse in media coverage of politics and society in Latin America: as of 2017, Latin America and the Caribbean were the sites of 33% of the world's homicides, despite constituting less than 8% of the world's population.[75] At the same time, incarceration rates rose dramatically: on average, across Latin America, incarceration rates doubled in the last two decades, increasing 107% from 1995 to 2016.[76] This phenomenon of mass incarceration arose as a result of broad political and economic shifts over the course of the 20th and 21st century that encouraged "iron-fist" approaches to public security, which expanded the definitions of crime, extended sentences, and invested more resources in militarized policing strategies, which disproportionately impact already marginalized low-income, urban communities of color.[77] In particular, states furthered a discourse that claimed organized criminal gangs were primarily responsible for recent increases in violence and instability, an assumption considered false by most researchers, but that carries much political weight, justifying highly punitive policies.[78] Facing pressure to remove "criminals" from the streets and bolster arrest rates, law enforcement agencies rely heavily on the "preventive detention" of suspected criminals or gang members.[79] Thus, large percentages of those incarcerated have not yet entered into prosecutorial proceedings and been convicted of a crime, as the judicial system in many countries is unable to keep up with the pace of arrests.[80] Further, the physical infrastructure of incarceration cannot keep up with the drastically increasing pace of criminalization and incarceration.[81] Rampant overcrowding in prisons throughout the region leads to what the Rapporteur on the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights called "conditions ...completely contrary to human dignity."[82] For example, although Venezuela's incarceration rate has doubled since 1999, only one new prison has been built since, leaving prisons at 315% capacity as of 2017.[83] Much of the rest of the region is in a similarly dire situation: in 2017, prisons in El Salvador were at 325% capacity, Guatemala's prison system is at 251% capacity, and Mexico's prisons are at 126% capacity.[84] In overcrowded facilities, resources are scarce, conditions become increasingly precarious as the physical infrastructure deteriorates, and a lack of oversight allows for a pervasive culture of the abuse of those incarcerated by the guards.[85] In contrast, in many prisons throughout the region, particularly in Brazil and Colombia, incarcerated people outnumber the guards so drastically that guards only secure the exterior of the prison, and those incarcerated are left responsible for their own self-governance.[86]

Often, the competition for resources in overcrowded prisons and the reliance on self-governance creates an opening for the flourishing of gangs and organized crime structures, which often mirror those on the outside.[87] Many of the organized crime networks linked to violence outside of prison walls are incubated in the overcrowded prison

74 Ibid, pp. 481.
75 Müller, "The Rise of the Penal State in Latin America." pp. 171.
76 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 478.
77 Hathazy and Müller, "The Rebirth of the Prison in Latin America." pp. 116-117
78 Limoncelli, Mellow, and Na, "Determinants of Intercountry Prison Incarceration Rates and Overcrowding in Latin America and the Caribbean." pp. 4.
79 Dudley and Bargent, "The Prison Dilemma."
80 Limoncelli, Mellow, and Na, "Determinants of Intercountry Prison Incarceration Rates and Overcrowding in Latin America and the Caribbean." pp. 2
81 Dudley and Bargent, "The Prison Dilemma."
82 Inter-American Commission on Human Rights, "IACHR Presents Report on Persons Deprived of Liberty in Honduras."
83 Dudley and Bargent, "The Prison Dilemma."
84 Ibid.
85 Müller, "The Rise of the Penal State in Latin America." pp. 66
86 Skarbek, "Covenants without the Sword?"
87 Dudley and Bargent, "The Prison Dilemma."

facilities, as is the case in Mexico and El Salvador.[88] One classic case is found in Brazil, where rampant state neglect led incarcerated people to organize into powerful gangs such as the Primeiro Comando da Capital (PCC) and the Comando Vermelho, which each have claimed their own prisons, where they exercise the major functions of governance.[89] Tragically, these conditions can also lead to increased levels of violence: just this year, deadly conflicts between prison gangs in Brazil,[90] and an uprising in a severely overcrowded Guatemalan prison[91] made international headlines as tragic case studies of a larger violent region.

Policing and Militarization

Throughout the hemisphere, states experiencing high levels of violence and citizen insecurity have increasingly relied on the deployment of military and military-like units to implement their "iron-fist" public security policies because they have far more resources, training, and respect than the often corrupt and ineffective police forces.[92] However, this tactic has largely proven ineffective: violence has continued to rise in countries where the military has been deployed domestically, and militarized policing itself is linked to a higher incidence of unlawful detentions and executions.[93] The clearest example of this failure is the rapid militarization of the war against organized crime in Mexico, where, despite 10 years of military occupation, violence has actually spiked in the same states where the federal military was deployed to keep the peace.[94] Despite this poor track record, more countries, including Chile, appear to be embracing militarization for domestic law enforcement.[95]

These units also are trained for combat and occupation, not dispute resolution and criminal investigations, leading to extremely high instances of human rights abuses and extrajudicial killings that are rarely investigated or prosecuted.[96] For example, in Mexico, accountability for human rights violations by the soldiers deployed in the streets ostensibly to fight organized crime is practically "non-existent;"[97] in Honduras, the introduction of military units into domestic public security was associated with a large increase in extralegal killings and detention.[98] In Brazil and Venezuela, the targeting of marginalized communities, predominantly low-income urban youth of color, by military police is so intense and seemingly deliberate that academics and the media refer to it as a form of social cleansing through criminalization and violence.[99] Further, while the introduction of military units into public security is often portrayed as a temporary stopgap measure to address an acute crisis, evidence suggests that militarized policing is becoming a permanent feature of law enforcement and even bleeding into other areas of governance.[100] In Brazil, the Military Police, a combat-trained, hierarchical institution deployed for repression during the military dictatorship, remains largely intact and is frequently deployed to police the *favelas*, informal urban settlements that are predominantly black and low-income.[101] In Guatemala, Venezuela, and Honduras, military officials have been placed into cabinet and high-ranking bureaucratic positions traditionally held by civilian officials, indicating the increasing influence of the military in all parts of government, hearkening back to the authoritarian era in the 20th century.[102]

This phenomenon of militarization of domestic security is directly linked to foreign assistance provided to militarized police and the armed forces, primarily by the United States in pursuit of its global war on drugs.[103] Between 2000 and 2015, the United States provided $20.5 billion dollars worth of military assistance to Latin American defense agencies, about $17 billion of which is tied to

88 Ibid.
89 Dias and Darke, "From Dispersed to Monopolized Violence."
90 "Gang Violence Leaves More than 50 Dead in Brazil Prison Riot | World News | The Guardian."
91 "7 Inmates Dead as Shooting Erupts during Prison Riot in Guatemala."
92 Gagne, "The Siren Call of Militarization in Latin America."
93 Ibid.
94 LaSusa, "Mexico's War on Crime."
95 Gorder, "Chile Militarizes Drug War, Ignoring Dangerous Regional Precedent."
96 Ibid.
97 Suarez-Enriquez and Meyer, "WOLA Report: Overlooking Justice."
98 Lohmuller, "'Using Military as Police in Honduras Led to Abuse.'"
99 Rodriguez Rosas, "Las Faes Aplican Una Política de Limpieza Social En Lara, Denuncia Provea."; Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields."
100 Gagne, "The Siren Call of Militarization in Latin America."
101 Leeds, "Police Militarization."
102 Gagne, "The Siren Call of Militarization in Latin America."
103 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 481.

initiatives related to the global war on drugs. [104] This funding level has increased in the last 5 years, primarily coming from the counter-narcotics program of the U.S. Southern Command, in order to train "joint-task forces" of military and police officers to combat narcotics trafficking and builds bases in border regions in order to more intensely police migrants headed north towards the United States. [105] In Guatemala, the joint police-military task forces on trafficking have experienced very minimal rates of success, carrying out only 5 operations in 18 months, but the government still seems eager to open two more task forces in the year to come.[106]

Intersectional Dimensions: Race, Class, Gender, and Sexuality

As described throughout this guide, the effects of mass incarceration and police militarization do not affect all communities equally -- the most marginalized communities are disproportionately targeted by police violence and criminalization throughout the region.[107] In general, judicial systems throughout the region, even in countries considered to be democracies, do not offer equal protection under the law: mirroring existing social hierarchies, the criminalization of communities with less social and economic power is coupled with impunity and protection for elites, enabling wide networks of corruption to continue without prosecution while crimes against the property of elites are aggressively policed. [108] Thus, a particularly obvious form of disparity in law enforcement and incarceration across the region takes place along class lines: policing and incarceration are still often seen as forms of social control to police the young, urban lower classes, theorized often as the causes of instability rather than the result of social and economic inequality, exclusion,[109] and violence. Even after incarceration, living conditions and treatment within prison facilities can vary greatly based on the economic resources of an incarcerated person, especially in facilities with a high degree of self governance.[110]

Another important vector of discrimination is race: despite dominant discourses of color blindness, racial democracy, and *mestizaje* (racial mixture) throughout the region, there is clear evidence of racial disparities in police violence and incarceration rates.[111] Although finding comprehensive statistics on incarceration rates and police violence disaggregated by race is challenging because of inconsistent and often non-existent racial data collection, [112] data from some countries points to racial disparities: those identifying as black in Brazil are incarcerated at a rate 1.5 times that of those identifying as white,[113] while data from São Paulo and Rio de Janeiro indicate large disparities in police use of force and killings between black and white residents.[114] In Colombia, Afro-Colombian activists are often criminalized, and the police forces have done little to prevent racist attacks on black communities.[115]

More data is available on the way criminalization and state violence affects women across Latin America and the Caribbean. Women, in particular low-income women of color, are being incarcerated at higher rates in all countries in Latin America (except Bolivia), predominantly for low-level drug offenses, as a result of policies criminalizing more aspects of the drug trade, especially transportation. [116] The incarceration of women has major collateral impacts for families, often removing the primary caregiver of children from the household.[117] Abortion and other forms of emergency contradiction are still criminalized in many countries thorughout the

104 Isacson and Kinosian, "U.S. Military Assistance and Latin America."
105 Isacson and Kinosian, "Which Central American Military and Police Units Get the Most U.S. Aid?"
106 Abbott, "US Policy Driving Militarization in Guatemala."
107 Hathazy and Müller, "The Rebirth of the Prison in Latin America." pp. 116-117.
108 Iturralde, "Democracies without Citizenship." pp. 312-313.
109 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 484.
110 Müller, "The Rise of the Penal State in Latin America." pp. 69.
111 Iturralde, "Neoliberalism and Its Impact on Latin American Crime Control Fields." pp. 485.
112 Segato, "El Color de La Cárcel En América Latina."
113 Res, "Estudo Revela Que SP Tem Maior Taxa de Encarceramento de Negros Do País."
114 French, "Rethinking Police Violence in Brazil." pp. 163
115 "Expertos de La ONU Expresan Alarma Ante El Aumento de Violencia Contra Afrodescendientes En Colombia - Colombia."
116 "Women, Drug Policies and Incarceration in the Americas."
117 Ibid.

region, including in El Salvador, where women are prosecuted for stillbirths or other pregnancy complications.[118] On the other hand, gender-based violence is rarely investigated or prosecuted, even in countries advocating for "tough on crime" policies, which disproportionately affects the livelihood of women.[119]

A lack of judicial protection, police violence, and incarceration also disproportionately impact queer and trans people throught the hemisphere, who already face high levels of violence and security due to their sexuality and/or gender identity every day. [120] Laws still persist in many countries that criminalize consensual sex between two adults of the same gender, and wearing clothes in public associated with a sex other than the one assigned at birth, and vague statutes regarding "public morals" can be used to criminalize queer or trans people simply for existing in a public space.[121] Queer and trans people, especially those percieved to be gay men or trans women of color, face epidemics of arbitrary detentions and extra-judicial executions, although again, finding data is difficult as it would require victims to self-identify their gender and sexuality in a hostile context.[122]

COUNTRY POLICY

Each nation has different challenges and priorities regarding public security. Delegates must determine how to balance concerns for human rights and citizen safety in the development of policy around policing practices, prison conditions, penal codes, and judicial institutions in the context of each nation's political, social, and economic context. Delegates should understand the structure of their nation's police force and the degree to which the military or military strategy is incorporated, the accountability structures present in cases of state violence committed against a citizen, and how policing and incarceration are deployed to combat violence and insecurity in their country, as well as how these same institutions may be the source of violence and insecurity themselves. Additionally, delegates should pay special attention to the communities that are most socially, economically, and politically marginalized in their country, and their experience with law enforcement and the criminal justice system. Delegates should also research the nature of their prison system today -- who is being incarcerated and for what? What are the current conditions and capacities of prisons in their country? Finally, delegates should determine what the root causes of violence and security are in their country, and what the role of law enforcement and the criminal justice system should be in resolving those structural sources of instability and harm.

KEY TERMS

The Carceral State

The system of institutions, including the judicial system, police, the military, and prisons/jails/detention centers responsible for targeting, arresting, incarcerating, and trying people for alleged violations of criminal code.

Criminalization

The choice to deem an activity a "crime" or a person "criminal" through a choice in the penal code or discretion in the enforcement of the law.

"Iron-fist"/"Tough-on-crime"/Mano Dura Policies

Punitive policy changes, including the use of military in policing, the expansion of activities defined as crimes, increasing sentences, the police/military occupation of targeted communities, and the arrest of suspected gang members, typically involving public rhetoric around controlling crime through stricter punishment.

Mass Incarceration

The phenomenon of rapidly increasing criminalization and imprisonment, particularly of marginalized communities, in the 20th and 21st century.

Militarization

The introduction of military structures, technologies, and tactics into domestic law enforcement activities, through either the incorporation of military strategy into police training, a hybrid military police, or the introduction of active

[118] Lakhani, "El Salvador Rape Victim Who Suffered Stillbirth Faces Murder Retrial."
[119] Dias, "Plan de seguridad deja sin atención la violencia contra mujeres."
[120] Inter-American Commission on Human Rights, *Violencia contra personas lesbianas, gays, bisexuales, trans e intersex en América*. Pp. 11
[121] Ibid, pp. 12
[122] Ibid, 13.

military members into domestic policing.

Police Brutality/Violence

The various ways that a law enforcement officer can cause harm, typically physical, to an individual, such as assasination or arbitrary detention.

Preventive/pre-trial detention

The detention of an individual by law enforcement before the individual has been convicted of a crime by a judge or jury, often because of suspected affiliation with a gang or organized crime.

State Violence

The various ways that a state can incarcerate, injure, appropriate property from, kill, or otherwise cause harm to an individual.

QUESTIONS

- How should the international community handle the human rights implications of overcrowded prisons?
- Should more resources be invested in expanding and updating facilities?
- Should states consider strategies to significantly reduce the prison population? How could this be done?
- How can the international community ensure the equal application of the law to all sectors of society?
- How should the hyper-criminalization of marginalized communities be addressed?
- How can the international community promote accountability for members of law enforcement?
- How can public security policies better address the root causes of violence and insecurity?
- What are the root causes of violence and insecurity?
- What is the role of the carceral state in addressing violence and insecurity? Why might the carceral state not be able to address violence and insecurity?

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