



General Secretariat of the  
Organization of American States

DEPARTMENT OF PUBLIC SECURITY

# DEFINITION AND CLASSIFICATION OF GANGS

## Executive Summary



Washington, DC, June 2007

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This work was possible thanks to the support  
of the Mission of the People's Republic of China to the OAS

## **EXECUTIVE SUMMARY**

### **1. Introduction**

In response to the growing concern among the member countries of the Organization of American States (OAS), the General Secretariat of the Organization has been engaged for more than one year in a systematic study of the issue of gangs and their various violent and criminal manifestations.

The Department of Public Security (DPS) of the OAS has been assigned the mandate and responsibility to propose hemispheric measures on this problem, on the understanding that violence in general, and that generated by gangs in particular, has become a topic that resonates deeply in the inter-American system. The resolutions and mandates of the Organization urge the adoption of crosscutting and regional measures for prevention and control of violence in order to protect the political and democratic stability of member states.

It soon became clear in the course of the General Secretariat's work on this issue that a great deal of information exists, as well as a large amount of valuable research on gangs in the member states of the Organization. The first problem to emerge was that the different conceptual frameworks and methodologies used in these studies very often made comparison, extrapolation, or generalization difficult. As a result of this information mustering process, the conclusion was reached that a lot of information was available but that it did not always furnish the clarity needed to support decision-making on the problem.

As the initiator and facilitator of the conceptual debate on gangs, the Department of Public Security of the OAS circulated a document titled "Violence and youth gangs: A regional intervention strategy" in September 2006, which brought the Organization into contact with different actors and institutions as well as fueling interest in this study.

In this context, the DPS believed it appropriate to begin the development of its intervention proposals by establishing a clear and consensualized definition of the scope of the term "gang" as well as identifying the categories that trace the transition from a mere grouping of children, adolescents, and youth to a violent criminal organization. To that end, it was decided to form a group of experts who would each work in their respective countries on a study to define and categorize gangs. The group was made up of experts from El Salvador, Honduras, the United States, Colombia, Ecuador, and Jamaica. At the same time, it should be pointed out that this selection of countries does not rule out work with other countries at later stages.

There is a good likelihood that the consensus achieved will lead to the consolidation of a horizontal dialogue and new cooperation projects with other inter-American and United Nations agencies, with a view to developing a Regional Plan on Gangs in the Hemisphere.

Although the gang phenomenon has aspects in common in all the OAS member countries consulted for this project, there are characteristics unique to each country, which, nevertheless,

converge in all cases to threaten public security and violate human rights, both of gang members and of the victims of their activities.

Based on the background information submitted by the experts consulted, it emerges that the gang problem is viewed as:

- Basically urban,
- A public security and safety issue, rather than to do with the socioeconomic context or human rights,
- Linked to adolescents and youth, although they are a minority in violent gangs or “maras.” Generally speaking, in the countries consulted, there are more juvenile offenders under 18 than gang members under 18. In some countries gang members less than 18 years old represent between 4% and 5% of minors under 18 deprived of liberty. In Honduras, for instance, in 2007 there were 736 incarcerated gang members over 18, as compared to 19 less than 18 years old. In the United States it is estimated that between 5% and 7% of minors aged 12 to 16 is or has been a gang member,
- Arises from conditions of poverty and exclusion,
- Closely linked to a lack of opportunities provided by the government, the market, and the community,
- Originate among children or adolescents who come from dysfunctional families and are looking for an identity, protection, sense of belonging, and power,
- With a clear gender bias towards male domination, ranging from 2.5 - 1 to 9 - 1
- Ethnically heterogeneous, but Latin Americans and Afro-descendants predominate over white Anglo-Saxons,
- Linked to many national homicides,
- Linked increasingly to trafficking in drugs, arms, and persons, and other crimes related to organized crime.

## **2. Rights-based approach and gender perspective**

**As far as a rights-based approach is concerned**, it is interesting to note that the problem is not visualized or analyzed from the point of view of the human rights recognized in the Universal Declaration of Human Rights (UDHR) and other international treaties and conventions.

There are a variety of interpretations that suggest that children and adolescents linked to gangs seek in a “compensatory” way to gain their rights to survival, protection, and participation, with the unresolved paradox that this endeavor, in many cases, violates their rights.

It was concluded that it is more “easy” for society, which demands societal control of violence, to regard juvenile gang members as victimizers to be prosecuted and punished, rather than as individuals with rights whom society has sidelined and left unprotected, in violation of the principle that such rights are universal and inalienable.

**As for a gender perspective**, with the exception of some isolated references in the reports submitted by Colombia, Honduras, Jamaica and the United States, the study on gangs has found it difficult to include information on gender. One of the reasons is the lack of national research from this perspective and the disparity of the information that such research has produced on this aspect in particular.

Even today methodological problems still plague many of the reports that refer to female involvement in gangs and even more so where female gangs are concerned. Given that the extent of female gangs is not very significant when one considers problem of gangs as a whole, unfortunately they have received scant attention in the framework of prevention, care, and rehabilitation programs.

The social reintegration of women gang members in a society without opportunities is harder for them and their children, who are doomed to repeat the cycle of poverty and exclusion.

The evolution of female participation in gangs described by some authors would appear to be intended to achieve a degree of "equality or equalization of gender" since "gender equality" has to do with needs, strategies, and policies designed to attain equal opportunity for advancement.

Generally speaking, gender differences - which are not differences in treatment for obtaining equal opportunity - subject women to a role of inferiority, even slavery, totally removed from the "opportunities" of male gang members. The initiation rite is an example of this since when it consists of having obligatory sexual relations with a given number of "homies" in the gang, it leaves women relegated to a subordinate position in the group: sexual objects with all the physical, sexual, and reproductive health risks that entails. If, on the other hand, the rite involves the "traditional beating" for 13 seconds, the aim is to "equal" the treatment that males receive so that women can have access to the same opportunities in the gang. This option, which disregards gender differences, would appear to be the more usual and accords them greater status because the women are assimilated on the same footing as the males.

### 3. Definition of "gang"

The criteria that a country uses in defining gangs (in particular youth gangs) unquestionably determine the course of the strategy that it adopts to deal with the problem, from positions that focus on prevention and social integration of male and female gang members, to those that justify a "tough stance" through repression and indiscriminate incarceration.

The project has adopted the following definition:

*"Youth gangs represent a spontaneous effort by children and young people to create, where it does not exist, an urban space in society that is adapted to their needs, where they can exercise the rights that their families, government, and communities do not offer them. Arising out of extreme poverty, exclusion, and a lack of opportunities, gangs try to gain their rights and meet their needs by organizing themselves without supervision and developing their own rules, and by securing for themselves a territory and a set of symbols that gives meaning to their membership in the group. This endeavor to exercise their citizenship is, in many cases, a violation of their own and others' rights, and frequently generates violence and crime in a vicious circle that perpetuates their original exclusion. This is why they cannot reverse the situation that they were born into. Since it is primarily a male phenomenon, female gang members suffer more intensively from gender discrimination and the inequalities inherent in the dominant culture."<sup>1</sup>*

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<sup>1</sup>. A more extensive definition might read: "Youth gangs represent a spontaneous effort by children and young people to create, where it does not exist, a space in (a fundamentally urban) society that is adapted to their needs, where they can exercise the rights that their families, government, and communities do not offer them. Arising as groups out of extreme poverty, exclusion, and a lack of

This attempted “eclectic” definitions seeks to decriminalize the phenomenon and transform the view of the child or youth gang member as that “victimizer” who must be prosecuted and imprisoned, and restore them to their status as citizens with rights whom society has sidelined and left unprotected, violating the principle that those rights are universal and inalienable.

#### **4. Differences with other juvenile groups and paths to adult gangs**

**As regards the difference between a youth gang and other juvenile groups**, it has been found that the latter have different forms of association based on the same gregarious and natural, fundamental mechanism through which they seek identity, satisfaction of their needs, and protection. Gangs differ from other juvenile relational models in that they have clearly defined fixed and drastic internal rules whose breach can entail punishments that may even result in death.

As a juvenile group becomes more like a gang -with a greater focus on illegal activities or increased rivalry with other groups- the group’s self-view consolidates as being “different from the rest” and culturally opposed to other, non-gang youth. Gangs thrive on conflict, sometimes with the authorities or the community, but usually with other gangs. The experience of helping one another reinforces the group’s internal cohesion, developing an emotionally charged network as a core element in the life of the gang. The counterculture element of gangs distances their members from societal and state institutions, such as school or the police, and distinguishes the gang from most other juvenile groups.

**As for the existence of a path towards adult gangs**, virtually all of the consultants said that it exists and is determined, inter alia, by the following factors:

- The gradual increase in the age of gang members within the gangs.
  - Territorial mobility
  - The repatriation of gang members from the United States
  - The alliance between US and Salvadoran gangs
- Transnational adult gangs

#### **5. Categories of gangs**

Coming up with a classification for gangs that is essentially operative for the purposes of prevention, observance and protection of human rights of victims and victimizers, societal control, rehabilitation, and full inclusion in society of former gang members is a difficult task that may overlook aspects regarded by many as relevant but which demands synthesis, hierarchicalization of classification rules, and, above all, simplicity and clarity of concept.

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opportunities, gangs try to gain their rights to survival, protection and participation by organizing themselves without supervision and developing their own membership rules and criteria, and by securing for themselves a territory and a set of symbols that gives meaning to their membership in the group. Paradoxically, this endeavor to exercise their citizenship is, in many cases, a violation of their own and others’ rights, and frequently generates violence and crime in a vicious circle that feeds and perpetuates their original exclusion. This is why gangs cannot reverse the situation that they were born into. Since it is primarily a male phenomenon, female gang members suffer more intensively from gender discrimination and the inequalities inherent in the dominant culture.”

It was understood that the classification should not only reflect the reality described by the experts consulted and the literature on the subject, but also “decriminalize” a very sizeable number of children and youth who are at present viewed, categorized, and even stigmatized as dangerous delinquents, a “label” that consigns them to the most profound and irreversible exclusion in an utterly flagrant violation of their universally recognized basic rights. These rights must be preserved, protected and promoted, and it is the responsibility of the state, family, and community to do so.

Definitions and classifications of gangs strongly impregnated with criminological views tend to regard children and juveniles as criminals, when in fact they comprise a small minority within gangs. This also assumes that the great majority of child and juvenile gang members either fall into non-lawbreaking gang categories, or the offenses they commit are insignificant when compared to other types of violent and criminal gangs, whose leaders and members are usually over 18. Neither of these affirmations excludes the possibility that a small number of children and juveniles may commit crimes as members of violent and criminal gangs.

Based on structural criteria such as size, gender, ethnic composition and ages, life span, territoriality, and criminality, as well as on criteria of origin, objectives, operating methods, and evolution, the following categories are proposed:

#### 1. **Scavenger (short-lived) gangs**

Little organization or structure (e.g. “school gangs”)

- a. **Size:** Small to medium sized (15-40 members)
- b. **Gender:** Male, with reluctant acceptance of female members
- c. **Ethnic composition:** Heterogeneous
- d. **Ages:** Adolescents (13-18 years old)
- e. **Territoriality:** Secondary school and neighborhood
- f. **Criminality:** Confrontations with other rival school gangs outside the schools and neighboring streets, extortion, intimidation, and other criminal acts, usually minor offenses, within and around their neighborhood and school.
- g. **Origin:** Rivalry among schools in a given area
- h. **Objectives:** Not specified
- i. **Operating methods:** They have a leadership that is respected but do not have a consolidated, clear organization and structure for carrying out their activities. Often spontaneous in reaction to an attack from a rival gang, or directly ordered by the leader. Crime is not part of their reason for being although it often earns them “prestige” in the context where they live.
- j. **Other activities:** They engage in other activities that are not antisocial, such as sport (mainly football or basketball), movies or dances.
- k. **Evolution:**  
Initial stage. Independent of others; may evolve into other types of gangs.
- l. **Human Rights:**  
Human rights of gang members violated by third parties: Economic and social rights: Right to integral development through an education of the highest quality that stimulates their abilities; Right to survival through a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Political right to participation, among others.

Human rights violated by gang members: Those of their peers, in terms of the civil rights to protection from physical and psychological mistreatment and abuse Those of the school and the community, in terms of the right to property, among others.

## 2. “Transgressor” gangs

Organized without specifically violent purposes (e.g. “youth gangs”)

- a. **Size:** Medium sized (40-80 members)
- b. **Gender:** Mainly male although female members are allowed (Male to female ratio: 5-1).
- c. **Ethnic composition:** Heterogeneous, with mostly Latin American and Afro-descendants
- d. **Ages:** Children and youth (10-18 years old)
- e. **Territoriality:** Neighborhood
- f. **Criminality:** Constant protection and violent defense against the rival gang. They use violence to impose control over the territory that they claim as theirs. They are involved in criminal activities within and outside their territory.
- g. **Origin:** They arise in the situations of exclusion and structural poverty of their childhood and youth, in a bid to satisfy their rights to survival, protection and participation. They are organized without supervision, develop their own rules and membership criteria, secure for themselves a territory and a set of symbols that give them identity, and consolidate themselves through permanent rivalry and confrontation with enemy gangs.
- h. **Objectives:** To give “meaning to a life without meaning or opportunities”
- i. **Operating methods:** They have standards, rules, a ranking, and initiation rites. They plan their activities both in order to commit crimes and to confront or retaliate against rival gangs. They use drugs, carry arms and may evolve towards more complex criminal activities
- j. **Other activities:** Sometimes in defense of their territory they carry out activities that could be considered to be in solidarity with the neighborhood; however these are infrequent. They sometimes get involved in art and music, and may have a website and blogs.
- k. **Evolution:**  
Secondary stage: It could be said that these gangs emerge “naturally” from groups that use the streets as a means of survival; that is, those composed of children living on the streets who have severed their family ties or are on the verge of doing so. These spontaneous groups which offer “protection” to their members and are induced to “life on the streets” by those who have gone before them in that experience acquire the form of gangs when rules and hierarchies appear (very often copied from other groups) and ties with other gangs already consolidated as such are established.  
As the members of gangs that have secured a territory grow older they may become led by adults or establish links to other adult-led gangs, which then go on to operate as a network through subdivisions or cliques This evolution turns them into “street gangs” with cells or cliques that operate as a criminal organization at a national and international level and display an increasingly complex modus operandi.
- l. **Human Rights:**



Human rights of gang members violated by third parties:

\* Economic and social rights to survival (food, health, social security) and integral development (education, family ties, rest, play, and culture);

\* Civil rights to protection (preservation of identity, nationality, protection against mistreatment and abuse, labor and sexual exploitation, trafficking, etc.) which are violated on account of being estranged or quasi-estranged from their families, excluded from society and without opportunities to reverse their situation. (The gang tries to compensate for these rights but all it does is worsen the gravity of the situation in which they live). The right to proper administration of justice when they are in conflict with the law (illegal and unconstitutional detentions without due process guarantees as well as deprivation of liberty for lengthy periods without a conviction and in facilities where human rights violations are reinforced).

\* Political right to participation (the gang tries to compensate for this right).

Human rights violated by gang members: Those of their peers, in terms of their civil rights to protection from physical and psychological mistreatment and abuse; their rights to survival as a result of drug and alcohol use; and their civil rights to protection as a result of drug trafficking. The rights of others who live in the gang's "territory," through violation of their rights to property and physical integrity.

### 3. Violent gangs

Organized explicitly for violent ends (e.g. Central American gangs or *maras*)

- a. **Size:** Large (100-500 members)
- b. **Gender:** Mainly male although female members are allowed (Male to female ratio: up to 9-1)
- c. **Ethnic composition:** homogeneous (depending on the gang) Mainly Latin American In the USA also Afro-descendant and Asian.
- d. **Ages:** Youth and adults (15-30 and over)
- e. **Territoriality:** Neighborhoods dominated by cliques
- f. **Criminality:** The same as the previous group, but with a greater tendency towards homicide
- g. **Origin:** They arise in a similar context to youth gangs but are at a more advanced stage of their evolution in terms of committing more complex crimes.
- h. **Objectives:** To give meaning to a life without meaning, and look into the possibility of profitable illegal activities
- i. **Operating methods:** Same as previous group but more complex and with connections with other cliques
- j. **Other activities:** Virtually none
- k. **Evolution:**  
Third stage: These are a continuation of youth gangs that have not disbanded but consolidated their organization and structure in their territory. They may adopt their own names or use those of other gangs as cliques of the latter.  
Street gang cliques whose members have not died or have managed to leave them evolve toward the formation of "criminal gangs."
- l. **Human Rights:**  
Human rights of gang members violated by third parties:

\* Economic and social rights to survival and integral development. Same as above with respect to minors under 18 years old;

\* Civil right to protection. Same as above with respect to minors under 18 years old.

\* Political rights to participation (Same as above with respect to minors under 18 years old) and proper administration of justice when they are in conflict with the law (applies both to minors and to adults over 18 years old)

Human rights violated by gang members: Those of their peers: Same as for juvenile gangs but more serious and with greater frequency. The rights of others who live in the clique's "territory" and areas of criminal activity, including the rights to life (higher homicide rate), physical integrity (more acts of violence), public health (drug trafficking), public safety, and property (among others).

Article 2 of the United Nations Convention against Transnational Organized Crime, "Palermo Convention", provides that for the purposes of the Convention:

*"(c) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;"*

Therefore, as the crimes they commit become more complex, violent street gangs (or "maras" in Spanish) can be considered "structured groups" and their offenses regarded as those classified in this international instrument and liable to the penalties proposed thereby for consideration by each state party.

At the same time, Article 25 on "Assistance to and protection of victims" should be interpreted by states parties in the sense that any minors under 18 years old who are used by organized criminal groups to commit the crimes provided for should be afforded the considerations and protections of their rights provided in the Convention on the Rights of the Child; they should also be considered "victims" until proven otherwise.

#### 4. Criminal gangs

Organized for criminal purposes (e.g. international "maras")

- a. **Size:** Medium sized to large (50-200 members)
- b. **Gender:** Mainly male although a small number of female members are allowed.
- c. Ethnic composition: homogeneous (depending on the gang) Mainly Latin American. In the USA also Afro-descendant and Asian.
- d. Ages: youth and adults (18-30 and over)
- e. **Territoriality:** They are identified with territories but their activities are not limited to them as they may operate in other areas under instructions.
- f. **Criminality:** Various organized criminal activities using sophisticated weapons. Their crimes include trafficking in drugs, arms, and persons; robbery, kidnapping, extortion, pandering, and murder (including by contract).
- g. **Origin:** Final stage in the gang evolution, from the youth group that seeks solutions and a meaning to life, to the adult organization with greater links to organized crime.
- h. **Objectives:** Money, a "reputation" in certain territories, and a "parallel power" to the one that excluded them from society.
- i. **Operating methods:** Same as previous group, but with a high level of training, discipline, planning, organization, and logistics in their criminal activities. They have

a well-defined hierarchical organization and even units that specialize in certain types of crime. In several countries they are well known by the police. Organized crime organizations frequently hire gang members to carry out contract killings.

j. **Other activities:** Virtually none

k. **Evolution:**

Final stage: They are on a destructive path where they end up in prison or come to a violent end. It would be fair to say that a criminal gang stops being a gang and becomes a criminal organization when it begins to engage as a group in significant and elaborate crimes.

l. **Human Rights:**

Human rights of gang members violated by third parties:

\* Economic and social rights (exclusion) political rights (to citizenship and participation) and civil rights to proper administration of justice when they are in conflict with the law (illegal and unconstitutional detentions without due process guarantees as well as deprivation of liberty for lengthy periods without a conviction and in facilities where human rights violations are reinforced).

Human rights violated by gang members: Those of their peers (survival, development, protection) Those of others who live in the gang's "territory" and the wider areas in the country and abroad where they carry out their criminal activities. They violate the rights to life; to physical, psychological, moral and social integrity; to public health; to public safety; to property, and to national security, among others.

Article 2 of the United Nations Convention against Transnational Organized Crime, "Palermo Convention", provides that for the purposes of the Convention:

*'(a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;'*

Therefore, as they exist to commit elaborate crimes in connection with international organized crime, criminal gangs can be considered "organized criminal groups" and their offenses regarded as those classified in this international instrument and liable to the penalties proposed thereby for consideration by each state party.

## 5. **Female gangs** (little researched)<sup>2</sup>

Organized by gender for non violent purposes (e.g. "female gangs" in the United States)

a. **Size:** Small to medium sized (15-40 members)

b. **Gender:** Women only. Some are independent while others are "affiliated" to male gangs. Less frequently women-led gangs have been described with members from both sexes.

c. **Ethnic composition:** Only studied in the USA Mostly Latin American and Afro-descendants.

d. **Ages:** Youth and adults (15-25 years old)

e. **Territoriality:** USA: Female gangs are mainly found in small cities and rural areas with gang problems.

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<sup>2</sup>. As U.S. consultant Serra Hoffman notes, these gangs have only been described and studied in the United States by authors such as Meda Chesney-Lind and John Hagerdorn (1999 –2003).

- f. **Criminality:** Extortion, intimidation and other, generally minor, criminal acts in and around their neighborhood, territory or rural area.
- g. **Origin:** They emerge as imitations of male-dominated youth gangs and are seen as an “opportunity” to escape from physical and sexual abuse in their homes, as well as obtain protection, consideration and a measure of power and respect.
- h. **Objectives:** To give “meaning to a life without meaning or opportunities”
- i. **Operating methods:** Same as youth gangs
- j. **Other activities:** No research
- k. **Evolution:**  
They are a kind of youth gang with a “gender bias” only described in the United States. Unless they recruit new members they tend to disappear because women abandon the gang lifestyle sooner in life than men. Another alternative is to join a male-led gang.
- l. **Human Rights:**  
Human rights of gang members violated by third parties: Economic and social rights: Right to integral development through an education of the highest quality that stimulates their abilities; Right to equal gender opportunities; Right to survival through a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Political right to participation, among others.  
Human rights violated by gang members: Those of their peers, in terms of the civil rights to protection from physical and psychological mistreatment and abuse The rights of others who live in the gang’s “territory,” through violation of their rights to property and physical integrity.

## 6. Legal framework for confronting the problem

In **Colombia and Mexico**, there is very little legislation on gangs and, therefore, a paucity of specialized institutions for tackling the problem. In addition care delivery mechanisms are insufficient, isolated, and poorly coordinated. This situation requires enactment of new legislation consistent with a rights-based approach.

In the case of **Honduras**, there are various, disparate laws and the agencies in charge of tackling the problem have overlapping jurisdictions, a situation aggravated by the fact that they are frequently in conflict with each other. Compounding this is their ineffectiveness, a shortage of staff, inadequate training, and underfunding. As a result, what few concrete measures have been implemented have lacked impact.

In **El Salvador** the legal framework, characterized by the introduction of tougher penalties for gang-related crimes, tends to criminalize youth but does not solve the overall problem of violence which tends erroneously to be blamed on gang activities.

In **Ecuador** there are no laws recognizing gang-related offenses or specific measures in that regard. Therefore new, specific legislation is urgently needed to deal comprehensively with this problem. This need is also evident from the lack of institutions and concrete measures in the areas of prevention, control and rehabilitation.

**Jamaica’s** case is quite similar to that of Ecuador except for the fact that there are laws in place that allow the confiscation of assets proceeding from the criminal activities of gangs.

In the **United States** there has been an intensive review of gang laws in recent years at both the federal and the state level, which has given rise to an explosion of repressive punitive measures against youth. There has been an increase in the range of offenses that may give rise to their exclusion from juvenile courts, reduce the confidentiality of proceedings and court records in juvenile cases, and establish a clearer link between offenses and penalties. This has been a response to the proliferation of gangs and the increase in levels of violence.

## **7. Prevention measures**

For all of the above-described gang categories it is believed that specific public policies need to be designed and implemented based on modern laws and governing institutions in this area in each of the states involved.

These policies cannot be dissociated from social policies since it is not possible to prevent, contain and reduce a problem as serious as that of gangs without taking into consideration the structural factors of poverty, inequity, exclusion, and lack of opportunities from which they originate.

These structural factors are the reason why a large portion of the population lives in unfit conditions that violate their most basic human rights as well as creating a propitious climate for the spread of crime. Gangs are a dramatic synthesis of all this social dysfunctionality as they represent both exclusion and violent crime.

The governing institution in this area must be an inter-sectoral collegial agency that includes representatives from the social ministries, security agencies, civil society organizations, as well as state, departmental, and municipal government. This agency should set public policy on such matters, which should be instituted in a coordinated manner and overseen by an executive entity (whether with or without ministerial rank) with sufficient, efficient professional trained staff, as well as the material and financial resources needed to adequately implement interventions in the areas of prevention, control, and social reintegration and rehabilitation.

The prevailing ethical framework should be one of observance, assurance, and promotion of all human rights, in particular the rights of the child and women's rights. The engine for a public intervention of this type is social mobilization through citizen participation. At the same time, the judiciary should adopt measures to ensure prompt judicial proceedings with due guarantees, protection of rights, and the provision of fit places for housing persons deprived of liberty.

Concrete steps should be taken for local strengthening of public trust, solidarity chains, recovery of neighborhoods and public spaces in communities, strengthening of formal and non formal education, and encouragement of the use of alternative dispute settlement mechanisms.

### **1. School gangs**

For the countries that have reported the presence of this category of gangs an intervention on two levels is crucial: the school itself and community-based action.

Interventions should center on prevention since the evolution of this category may lead to the formation of youth and even violent gangs.

The aim of the efforts of the school and the community to which it belongs should be to reduce the motives for joining already established gangs and create alternative spaces for young people to come together for social, cultural, recreational and even productive pursuits.

Formal schools should devote particular efforts on enrolment, quality of education and student retention.

In this way, public interventions (understood as the State and civil society working in tandem) would aim at restoration of violated rights and protection of rights that could potentially be violated by gangs.

## **2. Youth gangs**

Any policy proposed should aim to confront the youth gang phenomenon itself and be separate from crime-fighting policies since a social and cultural, rather than a repressive and police-based, approach should be adopted. Youth gangs do not represent crime itself but are a group phenomenon whose objective is to “give meaning to a life without meaning or opportunities,” one manifestation of which is to get involved in crime.

When crime becomes the gang’s reason for being then it becomes a violent gang, which is the next category.

Interventions that target youth gangs should be designed around a rights-based approach and a gender perspective, and generate: (1) Spaces for youth interaction and development; (2) a break with violent and delinquent dynamics; and, (3) new challenges and a favorable climate for youth development.

The aim of this line of action is to encourage the right to participation and development of civic-mindedness through activities that enable adolescents and youth to come out of hiding in gangs and make themselves visible through proposals, not confrontation, while at the same time promoting gender equity.

Prevention measures intended to stop adolescents and youths joining gangs should offer individual, group and community-based activities.

## **3. Violent gangs**

Government policy on gangs and the agencies that implement it should bear in mind that violent gangs arise in similar context to youth gangs but are at a more advanced stage of their evolution in terms of committing more complex crimes

The main differences with the previous category is that crime has become the center of activities that previously sought “to give meaning to a life without meaning or opportunities” and that the gang networks through cliques that maintain the identity of the original gang wherever they happen to be (regardless of the country, region or city). In addition, as the violent gang grows and matures its organization and structure become more complex and sophisticated and there is a predominance of higher age groups among its members.

Prevention measures with these gangs start to become relatively less important than control and rehabilitation measures.

Coordinated with interventions developed for youth gangs, it is necessary to put emphasis on prevention as a means to delay or prevent the entry of adolescents to violent gangs. At the same time it is necessary to design training programs for the security agencies that will be involved in crime prevention; their activities will have to be coordinated with those that work on social issues, particularly at the local or municipal level. For security agencies government policy on gangs will help to improve investigation techniques and intelligence as a means to tackle the problem and identify how the cliques of violent gangs that are active in the country, state, department, city and community operate. These crime prevention measures will also help to detect links between adult gang leaders deprived of liberty and those who operate on the streets.

As regards interventions, it is believed that within the legal framework in place (or to be amended) in each State, societal forms of crime control should be encouraged with selective and targeted efforts based on appropriate intelligence sources, by which it would be possible to avoid mass arrests and promote deterrent strategies against the evolution of “natural” adolescent groups towards youth and violent gang forms.

The key actors in societal and public-security interventions are to be found at the levels closest to where gangs operate; that is, at the community, local or municipal level. Therefore, it is essential for the institutions that tackle the gang problem to act in a decentralized manner, engaging academics, educators, street workers, local policy decision makers, community leaders, parish priests, members of local NGOs, etc., in promoting alternative solutions for personal advancement, especially for the minors under 18 involved, and for restoring their violated economic, social, civil and political rights.

As most members of violent gangs are over 18, social rehabilitation measures could start from the moment they are deprived of liberty (by providing them with a prompt trial and sentencing) if found guilty of having committed a crime. These measures should be based on an education in values, life-skills development, artistic expression, self-management, participation, vocational training and generation of alternative productive economic activities, as well as the opportunity of educational leveling (primary or secondary).

#### **4. Criminal gangs**

To the extent that criminal gangs exist to commit elaborate crimes in connection with international organized crime, they are “organized criminal groups” and their offenses are regarded as those classified in the United Nations Convention on Transnational Organized Crime, Convention of Palermo, and liable to the penalties proposed thereby for consideration by each state party.

Their criminal activities are varied and they are organized structured, and financed; therefore, they can be considered a part of organized crime. Their main criminal activities are trafficking in drugs, arms and persons; robbery, kidnapping, extortion, pandering, and murder (including by contract).

These gangs are the final stage in the gang evolution; they are on a destructive path where they end up in prison or come to a violent end. They violate the rights to life; to physical, psychological, moral and social integrity; to public health; to public safety; to property, and to national security, among others.

The purpose and scope of government policy on gangs would be exceeded by this category as they represent a form of transnational organized crime. That said, the measures implemented on the previous categories would have a direct adverse impact in the medium and long term on the recruitment of new members for these gangs.

## **5. Female gangs**

Bearing in mind that female gangs emerge in the United States as imitations of male-dominated youth gangs and that they are seen by their members as an “opportunity” to escape from physical and sexual abuse in their homes, as well as obtain protection, consideration and a measure of power and respect, government programs on gangs require special and specific consideration for these groups with a gender perspective.

The institutions and levels of intervention are the same as those that would be designed for youth gangs, other than a number of specific components connected with coaching for adolescent and teenage girls in the process of abandoning the gang life, which, as noted above, occurs earlier among women than men.



## CONCLUSIONS

1. Gangs offer a space for socialization, protection, friendship and fraternity, as well as for risk-taking and self-testing; access to money that they would not otherwise be able to obtain; sexual relations, and the possibility of acquiring an identity and a measure of power.
2. The resolutions and mandates of the Organization of American States urgently call for the adoption of crosscutting and regional prevention and control measures to tackle the violence.
3. The reference information on gangs shows that a great deal of information exists and that there is a large amount of valuable research on the issue; however, the different conceptual frameworks and methodologies very often produce findings that are hard to compare, extrapolate, or generalize.
4. These information problems have repercussions on effective decision making on the problem.
5. The reports resulting from the studies carried out by the six consultants in this project suggest that, overall, the gang problem is viewed as:
  - Basically urban,
  - A public security and safety issue, rather than to do with the socioeconomic context or human rights,
  - Linked to adolescents and youth, although they are a minority in violent gangs or “maras”
  - Arise from conditions of poverty and exclusion,
  - Linked to a lack of opportunities provided by the government, the market, and the community
  - Originate among children or adolescents who come from dysfunctional families and are looking for an identity, protection, sense of belonging, and power,
  - With a clear gender bias towards male domination, ranging from 2.5 - 1 to 9 - 1
  - Ethnically heterogeneous, but Latin Americans and Afro-descendants predominate over white Anglo-Saxons,
  - Linked to many national homicides,
  - Linked increasingly to trafficking in drugs, arms, and persons, and other crimes related to organized crime.
6. The main approaches in studying and addressing gangs do not include a human-rights perspective and, other than in some isolated cases, make it hard to include a gender approach.
7. The following definition of “gang” is adopted by consensus: *“Youth gangs represent a spontaneous effort by children and young people to create, where it does not exist, an urban space in society that is adapted to their needs, where they can exercise the rights that their families, government, and communities do not offer them. Arising out of extreme poverty, exclusion, and a lack of opportunities, gangs try to gain their rights and meet their needs by organizing themselves without supervision and developing their own rules, and by securing for themselves a territory and a set of symbols that gives meaning to their membership in the group. This endeavor to exercise their citizenship is, in many cases, a violation of their own and others’ rights, and frequently generates violence and crime in a vicious circle that*

*perpetuates their original exclusion. This is why they cannot reverse the situation that they were born into. Since it is primarily a male phenomenon, female gang members suffer more intensively from gender discrimination and the inequalities inherent in the dominant culture.”*

8. There are routes towards adult gang membership characterized by:
  - The gradual increase in the age of gang members within the gangs.
  - Territorial mobility
  - Deportation of gang members
  - Alliances with gangs in North America
  - Transnational adult gangs
  
9. This path to adult gangs is supported by the findings of the experts which show that:
  - There are more juvenile offenders under 18 than gang members under 18.
  - In some countries gang members less than 18 years old represent between 4% and 5% of minors under 18 deprived of liberty.
  - In Honduras, for instance, in 2007 there were 736 incarcerated gang members over 18, while only 19 were minors.
  - In the United States it is estimated that between 5% and 7% of minors aged 12 to 16 is or has been a gang member.
  
10. **Categories of gangs.** Based on the reports submitted, the following categories have been identified on the basis of structural criteria such as size, gender, ethnic composition and ages, life span, territoriality, and criminality, as well as on criteria of origin, objectives, operating methods, and evolution.

**Scavenger (short-lived) gangs.** Little organization or structure (e.g. “school gangs”) They are small (15-40 members) and mainly male, with reluctant acceptance of female members. They commit minor offenses: usually confrontations with other rival school gangs, extortion, intimidation, and other criminal acts within and around their neighborhood and school. The approach to this category of gangs should center on measures that promote rights and values, delay gang entry, and encourage student retention

**“Transgressor” gangs.** Organized without specifically violent purposes (e.g. “youth gangs.” Medium sized (40-80 members) and mainly male although female members are allowed (Male to female ratio: 5-1). Their levels of criminality are connected with protection against rival gangs, territorial control, and involvement in violent activities. The approach should aim for early detection as well as school, workplace and social reintegration.

**Violent gangs.** Organized explicitly for violent ends (e.g. “*maras*”). They are large (100-500 members) and are mainly male although female members are allowed (Male to female ratio: up to 9-1). The criminal activities of this category are characterized by a greater tendency toward violent crime than transgressor gangs, especially homicides as the aim of confronting enemy gangs. These gangs require an approach in which administration of justice observes the human rights and the right to integral rehabilitation of those members who are ready to abandon this life.

**Criminal gangs.** Organized for criminal purposes (e.g. international “*maras*”) They are large (50-200 members) and are mainly male although a small number of female members are allowed. Their main criminal activities are trafficking in drugs, arms and persons; robbery, kidnapping, extortion, pandering, and murder. The approach should be one of national and international control and punishment.

**Female gangs.** Organized by gender for non violent purposes (e.g. “female gangs” in the United States. They are small (15-40 members) and are composed exclusively of women. Some are independent while others are “affiliated” to male gangs. Less frequently women-led gangs have been described with members from both sexes. The approach should be similar to that for transgressor gangs.

They all violate rights, including those of their peers (civil rights to protection from physical and psychological mistreatment and abuse); those of others who live in the gang’s “territory” (rights to property and physical integrity), and rights to public safety, property and even national security.

11. For all of the above-described gang categories it is believed that specific public policies need to be designed and implemented based on updated laws and governing institutions in this area in each of the states involved. These policies cannot be dissociated from social policies since it is not possible to prevent, contain and reduce a problem as serious as that of gangs without taking into consideration the structural factors of poverty, inequity, exclusion, and lack of opportunities from which they originate. Every intervention should include an ethical framework of observance, assurance and promotion of human rights, as well as encouragement of citizen participation.  
Concrete steps should be taken for local strengthening of public trust, solidarity chains, recovery of neighborhoods and public spaces in communities, strengthening of formal and non formal education, and encouragement of the use of alternative dispute settlement mechanisms. In addition the justice system should take steps to ensure prompt judicial proceedings that observe due process guarantees.

Washington, D.C., July 2007