



# Drug Policies from a Public Health and Human Rights Perspective<sup>1</sup>

Side Event: 54<sup>th</sup> Regular Session of CICAD

December 10, 2013, Bogotá, Colombia

## Main Ideas and Recommendations<sup>2</sup>

In order to generate concrete proposals for responding to the drug problem in the hemisphere, the Colombian Ministry of Foreign Relations and Ministry of Justice—with the collaboration of the Woodrow Wilson Center and the *Fundación Ideas para la Paz*—brought together government officials and members of civil society for dialogue. Representatives from 13 countries and 20 non-governmental organizations in the hemisphere participated in this space for debate, supported by the Inter-American Drug Abuse Control Commission (CICAD). The discussion was focused on two main topics: a) Drug Consumption from a Public Health Perspective; and b) Human Rights and Drug Laws. The event ended with the formation of working groups that brainstormed to create a set of recommendations, which are included at the end of this document.

1 Annex to the Conclusions of the CICAD Presidency, presented by the Deputy Minister for Criminal Policy and Restorative Justice, Miguel Samper, from the Ministry of Justice and Law of Colombia. 54<sup>th</sup> Regular Session of CICAD, December 13, 2013.

2 The contents of this document do not necessarily represent the positions and policies of the institutions and organizations that sponsored and participated in the organization of this event. Following Chatham House rules, the document does not make reference to the specific interventions of participants nor represent official positions.

## I. Drug Consumption from a Public Health Perspective: Primary Challenges and Proposals for Public Policy

Policies aimed at responding to drug-related problems have gradually been adopting a public health approach, in which the consumer is not considered a law-breaker. The OAS report “The Problem of Drugs in the Americas” proposes the decriminalization of drug consumption as the starting point for any public health strategy. The adoption of this new perspective faces significant challenges in Latin American countries, however, where access to public health systems is already limited and institutional capacity for responding to the drug problem is insufficient.

In an effort to create a dialogue on these issues, the first panel of experts presented experiences, findings, and proposals based on studies and practices in the region that have dealt with drug consumption from a public health perspective—specifically in Argentina, Brazil, Canada, and the United States.

### Main Positions and Recommendations:

- *Public health approach from a community perspective:* This approach sees people as part of a network that can be involved in care and treatment for the problematic use of drugs. Communities have resources that can be utilized to generate small changes, which together produce significant impacts at the local and national level.
- *The protection of human dignity as a central pillar of the response to drug consumption:* The public health approach puts people at the center and recognizes their rights and freedoms. Consumers who engage in problematic drug use, addicts, and even people who are part of drug trafficking networks must be treated first as human beings. Not all consumers can be considered sick; stigmatization keeps people away from access to support, care, and treatment.
- *Analysis of the range of psychotropic substance use as a guide to public policy:* There are many kinds of drugs and types of usage; an analysis of the entire range of situations should guide the review of drug policies and their various components. It is important to evaluate the criminalization of the use of certain psychoactive substances—and the results of that approach—and to invest in change and innovation.
- *Interventions based on harm reduction and human rights:* The harm reduction approach was developed initially as a way to reduce the risk of HIV transmission through the use of syringes contaminated by drug users. Currently, it is being promoted as a strategy for permitting direct intervention with users who have *chaotic* lifestyles. Harm reduction accepts that licit and illicit drug consumption is a reality and promotes work aimed at minimizing the effects that harm individuals and society.

- *Building capacity to switch from a purely punitive approach to a public health approach:* This change will require a multi-disciplinary approximation that helps build a formal network of services that guarantees the right to receive science-based interventions and care, the recognition of freedoms and rights, the oversight of institutional responses, and an opening for social participation mechanisms.

## **II. Human Rights and Drug Laws: Primary Challenges and Proposals for Public Policy**

Drug control efforts have been associated, on some occasions, with the violation of human rights and individual freedoms. Various studies have shown that there is a disproportionate relationship between the gravity of a crime committed and the punishments imposed by law. This situation has particularly strong impact on the weakest links in the chain and the most vulnerable groups. The feminization of drug-related crimes is notable, with increasing percentages of women being jailed for drug trafficking or possession. Criminalization has aggravated public health problems by marginalizing consumers.

In an effort to create a dialogue on these issues, a second panel of experts presented experiences, findings, and proposals based on studies and practices in the region.

### **Main Positions and Recommendations:**

- *The need for a comprehensive drug policy with a gender approach.* It is necessary to develop a comprehensive preventive approach—not just a police response—that will take into account the dynamics of the region, including: the way networks function; gender relationships; the feminization of poverty; gender violence; and the systemic impunity that exists at state levels with respect to that violence. It is important to determine parameters for legal judgments and sentences through agreements made using gender and human rights perspectives.
- *Respect, protection, and observance of human rights as a central focus of drug policy:* The harmonization of international commitments on drug matters with human rights-related obligations is not just an option for states; it is a requirement. The legal framework on drugs must be compatible with human rights obligations and, if there is a conflict, the latter should prevail. In this context, policies should be based on cross-cutting principles such as the principles of participation, non-discrimination, and accountability. This means that special consideration must be made with respect to vulnerable populations and that we must have systems to monitor the impact of drug policy on human rights.

- *Key elements of drug policies with a human rights perspective:* a) a public health approach that sees the consumer as a rights-holder; b) punishment proportional to the crime and a review of disproportionate impacts of drug policies; c) the study of other alternatives—such as the case of marijuana in Uruguay; d) the development of violence-reduction policies; e) the revision of eradication policies from a development perspective.
- *Redirect resources and capacities towards a perspective of social inclusion and human rights.* Increasing access to treatment and reducing the number of people in prison for drug-related crimes is a priority. Current incarceration levels are too costly in both economic and human terms. Resources must be focused on improving economic and social conditions with an approach that balances prevention and law enforcement.

### **III. Recommendations for Working Groups**

After the two discussion panels, attendees formed working groups to discuss possible approaches to the drug problem in terms of the relationship between public health and consumption, and the relationship between human rights and drug laws. The following proposals came out of the various working groups. The list shows various views and perspectives, but does not pretend to represent a consensus.

#### **Drug Consumption from a Public Health Perspective**

- Think about public health in terms of concrete concepts subject to realities and contexts.
- Differentiate between types of consumption and types of drugs.
- Share information about the development of community programs and services associated with prevention policy and strengthen the assessment of the sources of problems in communities and families.
- Expand the definition of treatment to include the entire drug-user community.
- Promote prevention programs that involve the individual and his/her surrounding environment.
- Offer more treatment that looks at the various levels of complexity and access to health services, strengthening coordination between various entities.
- Make specific allocations in the national budget to deal with the issue of drug consumption from a public health perspective.

- Estimate the impact of eradication practices, fumigation, and criminalization of drugs on public health.
- Strengthen public policy responses to alcohol consumption by children, teenagers, and families using a preventive approach.
- Carry out an internal assessment in each country on public health matters related to drugs.

### **Human Rights and Drug Laws: Primary Challenges and Proposals for Public Policy**

- Share information about human rights and the prevalence of these rights over other international conventions.
- Revise the disproportionate penalties related to drug consumption, paying special attention to gender and to the alarming increase in the prison population. This disproportionate response ensures that the weakest links in the chain are punished the hardest.
- Broaden the social understanding of the drug problem starting with an analysis of conditions related to poverty and violence.
- Recognize drug-users as rights-holders.
- Examine the way criminalization affects the recognition as consumers as rights holders and promotes stigmatization and discrimination, increasing the vulnerability of the consumer and his/her health. Avoid treating consumers like sick people.
- Reorient drug watchdog groups, connecting them with academic organizations so they can use findings based on objective evidence.
- Seek alternatives to imprisonment and obligatory/compulsory treatment. More administrative and proportional alternatives that promote sustainable lifestyles.
- Integrate the human rights approach in all of its dimensions, including health, risk reduction and harm-reduction, education, and the proportionality of punishment.