

# INTERNATIONAL GUIDELINES ON HUMAN RIGHTS AND DRUG POLICY

LATIN AMERICA AND THE CARIBBEAN / JANUARY 2020

## SUMMARY OF KEY CONCLUSIONS

### Meeting objectives

- Introduce the Guidelines to a broad coalition of regional stakeholders
- Brainstorm concrete pathways towards their implementation at the national and regional level

### Areas identified as national priorities

Throughout the meeting, participants discussed shared challenges and concerns and identified national priorities for human rights-centred drug policies across four thematic areas:

#### 1. Criminal justice

Participants addressed the excessive use of incarceration as a tool of drug control and the need to implement alternatives to incarceration and other measures to address prison overcrowding as well as poor prison conditions, including a lack of healthcare services in detention. Participants also raised the need to end and prevent egregious human rights violations occurring in the context of drug control (such as extrajudicial killings, police abuse, discrimination in the judicial system) by moving away from the predominant paradigm of punitive populism, compulsory treatment, militarization and state violence in the name of the war on drugs.

Decriminalisation of personal, adult use of controlled substances (both nationally and internationally), cultivation for personal use and cultivation as a means of subsistence were identified as priorities.

#### 2. Health

Delegates agreed on a broad set of shared issues for ensuring that drug policies promote and protect individual and public health. Among others, priorities identified were improving primary care services, sexual and reproductive rights and attention to mental health and psychosocial issues, including rethinking funding to justice and law enforcement vis-à-vis funding for health. Participants also highlighted the need for further research and evidence-based information, education and harm reduction services catering to the needs of different groups and access to voluntary, quality and scientifically sound treatment options.

#### 3. Development

Participants highlighted the intersectional nature of development and thus the need to accompany any drug policy with comprehensive development policies. Criminalisation was also identified as a challenge to development.

Intersectionality was a central topic of conversation, together with the role of poverty and inequality in increasing vulnerabilities. Another key issue in the region is the current approach to drug cultivation, particularly forced eradication, as a measure that violates the right to an adequate standard of living, environmental rights and the rights of indigenous peoples to free, prior and informed consultation.

#### 4. Particular groups

The Guidelines currently address children and young people, women, people deprived of liberty and indigenous communities as 'particular groups'. Participants stressed the need for a cross-cutting approach to public policy based on the needs of each group and for better coordination among all institutional actors involved. Essential to this is the collection of disaggregated data.

Participants also proposed the inclusion in the Guidelines of other groups, such as Afro-descendant people, migrants and people from the LGBTQI community.

## Priorities for human rights-centred drug policies in the region

Participants agreed on a set of priorities for implementation of the Guidelines and the promotion of human rights-centred drug policies in the region. These include:

- Ensuring voluntary treatment and access to gender- and youth-sensitive harm reduction services, including in detention. Services should be tailored to the needs of specific groups, such as women and minors.
- Achieving a 'budget balance' between supply reduction, demand reduction and health.
- Promoting alternatives to incarceration, including through the implementation of existing international standards.
- Promoting fair trial standards that ensure the rights of marginalized, vulnerable populations.
- Generating training tools for justice operators in the area of human rights and drug policy.
- Developing programmes that offer life and work alternatives, including "urban alternative development" focused on young people who often are targeted for engagement by criminal groups.
- Addressing punitive and discriminatory drug policies, working towards the decriminalisation of possession and cultivation for personal use of controlled substances and considering cultivation as a means of subsistence for farming communities.
- Limiting or banning forced eradication of illegal crops.

## The role of the Guidelines: Implementation pathways

The Guidelines have an instrumental role to play in achieving those priorities, and several pathways for implementation were agreed upon:

- Convening **national dialogues** with multiple stakeholders to present the Guidelines.
- Using the Guidelines to conduct **legal environment assessments** to help understand the impact of laws and policies on human rights and to mark a starting point regarding legal frameworks through which human rights-based drug policies can be developed and implemented.
- **Exploring strategic litigation**, where the Guidelines can serve as a persuasive source for judicial branches to uphold, defend and enforce human rights.
- Drafting a **manual for public defenders** to support their work related to drug crimes
- Using the Guidelines to develop **indicators** to measure and evaluate drug policies and programmes from a human rights perspective. Particular attention should be paid to the situation of the particular groups identified, their access to harm reduction services and alternative urban development.
- Developing and implementing **training tools** on human rights, alternative development and drug policy for justice operators, government officials, health service providers, law enforcement, academia and civil society.
- Designing **education, information and awareness raising campaigns** on the Guidelines, making them more accessible in terms of language and literacy and including a gender perspective.
- Identifying ways to incorporate the implementation of the Guidelines into government **budgets**.
- Developing **minimum standards** at the regional level for the provision of treatment services and establishing **dedicated monitoring mechanisms**.