

# Position paper on drug policy reform

## Observatory on Organized Crime and Democratic Governance in Latin America and the Caribbean

Considering the current situation, in which the debate on drug policy and its results has grown stronger, and in preparation for the Special Session of the United Nations General Assembly (UNGASS) on the world drug problem to be held in April 2016, the members of the Observatory on Organized Crime and Democratic Governance, supported by the Friedrich Ebert Foundation in Latin America and the Caribbean, present their position on this issue:

1. The social, cultural, religious and medical uses of psychoactive substances are part of the history of humanity. These uses have evolved significantly over time. Today, the production, commercialization and use of plants and substances that are considered illegal should be understood as a complex phenomenon that implies issues related to health, society, culture and to economic, public security, political and geopolitical factors that affect users as well as their families, their communities, and society in general.
2. The Special Session of the United Nations General Assembly on the world drug problem, UNGASS 2016, must be considered a valuable opportunity to discuss existing policies and the shortcomings of the current international drug control regime.
3. Although the current treaty system lacks a review mechanism and the existing conventions are hard to amend, this cannot be a sufficient argument against recognizing that the regime has failed and that reforms are long overdue. Moreover, the changes happening at country level are breaking the consensus that existed on this phenomenon and have brought about change in the global legal structure regarding drugs.
4. The prohibitionist policy in force for over a century, together with the “war on drugs” that has been waged globally for almost fifty years with a focus on the control of supply, have failed to reach their goals: they did not build a “drug-free world”, they did not reduce consumption, they did not improve public health or access to pharmaceutical drugs made from plants used for the production of illicit substances.



5. Instead, the enforcement of this control regime has failed to take into account the diversity of national contexts and has had a highly negative impact on society: human rights violations, a flourishing illegal and violent market controlled by organized crime, the difficulties faced by justice and penitentiary systems in the region due to this problem, irreversible environmental damage in illegal crop cultivation areas, and a lasting corruption of state and private institutions by organized crime that severely harms democratic governance in our countries.
6. Furthermore, these prohibitionist policies have been implemented at a very high cost, one that is not only financial but also human, and that has affected the quality of democracy.
7. Prohibitionist policies have had an especially negative impact on vulnerable people, those who are among the weakest links of the economic chain of illegal drugs: women, youths, indigenous people, afro-descendants and small farmers, among others. Notably, women living in precarious situations have been increasingly convicted for drug-related crimes in Latin America and the Caribbean.
8. Given that Latin American and Caribbean countries implemented prohibitionist drug policies and strictly followed the model, its failure has fragmented the prevailing consensus and fostered a search for new public policy alternatives. Today, the countries of the continent are no longer willing to apply this model, as evidenced in the joint declarations of several multilateral organizations such as CELAC, Caricom, Mercosur and Unasur, as well as in the public policy initiatives of countries like Uruguay and parts of the United States.
9. Latin America and the Caribbean is one of the regions that have suffered the most from the impact of the traffic of illegal psychoactive substances and the “war on drugs”. Therefore, it has the experience and the authority to express the urge to find new alternatives in ongoing political dialogues and international negotiations.
10. Such a context calls for a new drug policy based on the respect for Human Rights and development, which would replace the security focus of the current social agenda.
11. UNGASS 2016 must acknowledge the existence of different stands on current policies and conventions as an expression of the sovereign right of countries to implement reforms at national or state level according to their local contexts. It should also allow the active participation of diverse societal stakeholders: health authorities, development authorities, civil society and human rights organizations, among others.
12. Beyond what will be discussed at UNGASS 2016, States must be granted discretion to design and implement policies in accordance with their specific needs and contexts. These policies should be based on scientific evidence and guided by a Human Rights-based focus on people rather than on substances.
13. Drug policies must be respectful of International Law, of Human Rights and of the rights of indigenous peoples.
14. Drug laws and policies must change. It is necessary to design and implement differentiated laws and policies depending on the type of substance and consumption (occasional, recreational, experimental and problematic) and on their effects on health and consumer behavior, so that States can focus on problematic consumption and reduce harm for consumers and their social environment.



15. Such policies should help change the balance of power between criminal groups and the State. This requires a change of focus, stepping away from the persecution of the weakest links of the economic chain of illegal drugs to concentrate on the implementation of policies aimed at dismantling the mechanisms and structures of organized crime that control the illegal trade of psychoactive substances and related businesses, including money laundering. Special attention should be given to the fight against corruption of political and law enforcement actors.
16. These new policies should also be constantly evaluated in order to minimize their possible adverse effects, so that the human rights and public health focuses may prevail. Therefore, it is key to promote scientific research on both psychoactive substances and the policies implemented in order to act on their related phenomena.
17. Lastly, it is important to strengthen and institutionalize civil society participation mechanisms in Latin America and the Caribbean in the debate on drug policy and the international drug control regime.

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