

Open letter to Ministers Responsible for Public Security in the Americas

Fourth Meeting of Ministers Responsible for Public Security in the Americas (MISPA IV)

Medellín, Colombia, November 21st and 22nd, 2013

We, the undersigned human rights organizations, address you on this Fourth Meeting of Ministers Responsible for Public Security (MISPA) to follow up on the call upon governments to revise the orientation of drug policies that are being implemented in the Americas. This request for the governments took place during the 43rd Session of the OAS General Assembly which took place last June.

This meeting of Ministers should continue to reaffirm the commitments made by the States' parties to the Declaration of Antigua Guatemala 'For a Comprehensive Policy against the World Drug Problem in the Americas.' We insist on the importance of resuming the dialogue that began in Antigua and on renewing the joint efforts by the States regarding drug policies, while emphasizing that these policies *should contain human rights protections and violence reduction as central elements*.

We understand that it is essential that ministers responsible for public security in the Americas are engaged in this dialogue, at this 4th MISPA as well as in any space generated within its context. Their active participation becomes relevant in the current regional scenario, marked by prohibitionist policies and *the war on drugs*, which have focused the debate about drugs and security issues. In our region, the structure and organization of the criminal networks that control the illegal drugs market have penetrated and corrupted governmental institutions, including the police forces, undermining their capacity to provide security to the communities. For this reason, we believe it is necessary to start discussing changes in the States' response to this problem, by providing security in relation to organized crime, and by strengthening the offer of health policies regarding prevention and treatment of those persons suffering from a problematic use of substances, either legal or illegal, while establishing a criminal policy that can reduce the high impact of drug policies on penitentiary systems.

The undersigned organizations urge the governments to deepen the dialogue and agree on a work agenda, which should discuss and define actions taken to reduce the negative impact of drug policies on human rights, including, but not limited to:

- Implementation of policies aimed at reducing violence. The efforts made toward establishing the law have been traditionally focused on reducing the scale or the size of the illegal drugs' market, paying little attention to the way these policies could increase—or reduce—violence. The tens of thousands of people murdered in Mexico in recent years have clearly shown such damage. Ultimately, the aim should be to minimize the harm caused in the communities by violence in connection to drug-trafficking, control over territories, arms trafficking, and human trafficking, as well as the *drug policies themselves that are being implemented*.
- Revision of the proportionality of the penalties imposed for drug-related crimes, differentiated according to their gravity, the use of violence, and the level of responsibility of the offenders in the criminal structures. The law prescribing penalties for drug-related crimes should be reformed, enabling alternatives to prison in the case of non-violent crimes, particularly in those committed by persons in vulnerable situations, such as women in the region.
- Incorporation of a gendered perspective which allows the identification and tackling of the differential impact that the drugs' problems have on women's lives. The criminal policies focused exclusively on trade and trafficking crimes, as well as on the prosecution of users, have stricken persons in more vulnerable situations due to poverty, marginalization, migration, and others. At the same time, the impact has clearly differentiated between sexes, the impact *being greater on women*. The poorest, most marginalized populations and women face the failure of this approach. Without a doubt, this has contributed to over-incarceration and violence in prisons, and a rise in the number of women deprived of their liberty. In spite of them being minor links in the drug chain, the 'mules' (individual carriers) or micro-traffickers are the ones who populate prisons, many times accompanied by their young sons and daughters.
- Decriminalization of consumption, drug possession and cultivation for personal use. Criminalization of drug users intensifies their exclusion and stigmatization. Minority groups and impoverished people are especially affected by this, since they are usually the main target of law enforcement interventions. Governments should consider the possibility of adopting decriminalization as an alternative response to criminalization of drug users, by offering health policies for problematic consumers within the framework of the public health system, so that they are not stigmatized. This implies separating drug use from the criminal and security fields; only a clear division between drug users and the illegal market will allow the efforts of security agencies to focus on their real target.

All these actions, apart from complying with principles respectful of human rights, would help reduce incarceration rates, by eliminating criminal behavior connected to drugs. Prison overcrowding is one of the main causes of human rights violations in the region, strongly impacting the families of detainees and their living conditions.

- Revising the use of armed forces in anti-drug operations. Militarization, a pillar in "The War On Drugs," has proven to be ineffective and counterproductive: corruption, insecurity, and violence rates have increased in those territories in which the armed forces have intervened, and they have become another factor which contributes to the escalating use of force and weapons. This has not only done little to solve the offer issue, but it has also had a negative impact on the respect for human rights, resulting in the militarization of public security, the deprofessionalization of the armed forces, and a blurring of the borderline between security and defense.

For all of the above, the undersigned organizations call on the ministers responsible for public security in the Americas to resume the dialogue that began in Antigua and to go on with the agreed activities, looking for alternatives to the militarized and heavy-handed policies which have increased the levels of violence in the region without achieving the desired results. We urge the governments to include civil society participation in this dialogue, as well as to reaffirm their commitments in order to put human rights at the center of the debate.

Signatures

1. +Info - Riesgo, El Salvador
2. Acción técnica Social- ATS, Colombia
3. American Civil Liberties Union- ACLU, United States
4. Asistencia Legal por los Derechos Humanos A.C., Mexico
5. Asociación Costarricense para el Estudio e Intervención en Drogas- ACEID, Costa Rica
6. Asociación de Estudios del Cannabis del Uruguay- AECU , Uruguay
7. Asociación Pensamiento Penal- APP, Argentina
8. Asociación Pro Derechos Humanos, Perú
9. Asuntos del Sur , Chile
10. Canadian Drug Policy Coalition, Canadá
11. Centro Cáritas de Formación para la Atención de las Farmacodependencias y Situaciones Críticas Asociadas A.C , México
12. Centro de Derechos Humanos Miguel Agustín- Prodh, Mexico
13. Centro de Estudios Legales y Sociales- CELS, Argentina
14. Colectivo de Estudios Drogas y Derecho- CEDD
15. Colectivo por una Política Integral Hacia las Drogas AC- CUIHD, Mexico.
16. Colegio Médico de Chile, Chile
17. Comisión de Justicia y Paz, Colombia

18. Comisión Ecuménica de Derechos Humanos (CEDHU) de Ecuador
19. Comisión Provincial por la Memoria, Buenos Aires, Argentina
20. Conectas direitos humanos
21. Conselho Regional de Psicologia de São Paulo, Brasil
22. Consorcio Internacional sobre Políticas de Drogas- IDPC
23. Corporación Humanas- Centro regional de derechos humanos y justicia de género
24. Dejusticia- Centro de Estudios de Derecho, Justicia y Sociedad, Colombia
25. Drug Policy Alliance - DPA, United States
26. Espolea A.C., México
27. Estudios Comparados en Ciencias Penales de Guatemala -ICCPG, Guatemala
28. Frente Estadual de Drogas e Direitos Humanos do Rio de Janeiro- FEDDH-RJ, Brasil
29. Fundación de Estudios para la Aplicación del Derecho- FESPAD, El Salvador.
30. Fundación Myrna Mack, Guatemala
31. Fundar, Centro de Análisis e Investigación, AC.
32. Harm Reduction Coalition- HRC, United States
33. Iglesia Evangélica Protestante de El Salvador
34. Instituto de Estudios Legales y Sociales del Uruguay- IELSUR, Uruguay
35. Instituto de género, derecho y desarrollo- Insgenar, Argentina
36. Instituto Latinoamericano de Seguridad y Democracia- ILSED
37. Intercambios Asociación Civil, Argentina
38. La Maria Guanaca, El Salvador
39. Lua Nova, Brasil
40. Mesa Nacional por la Igualdad, Argentina
41. México Unido Contra la Delincuencia- MUCD , México
42. Misión Sacerdotal Tercermundista
43. Movimiento Igualdad, El Salvador
44. Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo- PIDHDD
45. Proderechos, Uruguay
46. Projeto Transversões – Projeto Integrado de Pesquisas “Saúde mental, desinstitucionalização e abordagens psicossociais” – Escola de Serviço Social da Universidade Federal do Rio de Janeiro.
47. Psicotropicus, Centro Brasileño de Políticas de Drogas, Brasil
48. Puente, Investigación y Enlace- PIE, Bolivia
49. Red Americana de Intervención en Situaciones de Sufrimiento Social- RAISSS
50. Red Brasileña de Reducción de Daños y Derechos Humanos- REDUC , Brasil
51. Transnational Institute- TNI
52. Washington Office on latin America - WOLA, United States