

CIVIL SOCIETY TASK FORCE

Contributions from the Civil Society of Latin America and the Caribbean, UNGASS 2016

November 2015

The document we are here presenting is the contribution from the civil society of Latin America and the Caribbean to the reflection on the world drug problem, called by the United Nations. Civil society is an unavoidable actor to evaluate and discuss the limits and challenges of current responses; the richness and diversity of its experiences give civil society an authorized voice to analyze and elaborate recommendations.

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From our role as regional representatives in the Civil Society Task Force, we have tried to offer multiple channels to promote participation. This document is the corollary of a process that included diverse initiatives, and civil society organizations were actively and meaningfully involved in all of them. We believe this document presents a comprehensive panorama of the concerns, priorities and expectations of different regional organizations and social movements, which will help governments to take to UNGASS 2016 the mandates of the societies they represent.

To the great satisfaction reached by the completion of this work, that we are sure will be both a contribution to the global debate and a tool to support advocacy actions, we would like to add our thanks to all those who collaborated to make it possible. In the first place, we thank the Vienna NGO Committee and the New York NGO Committee that jointed their efforts to create the Civil Society Task Force, and particularly the members of its Executive Committee who trusted us and on the organizations we represent to lead the consultation process in Latin America and the Caribbean.

This consultation would not have been possible without the strong support of the regional organizations that gave a quick and precise response to each one of our calls. We thank all the organizations that answered the global survey and that sent documents, declarations and studies.

We also thank the key persons that were interviewed and the participants of the discussion and validation meeting of this report, celebrated in Bogotá on November 4th and 5th 2015.

We would also like to highlight a very special recognition to Inés Elvira Mejía for the collaboration provided to the input systematization and the composition of this inform.

We are convinced that we are living a historic moment for the drug policy development, a moment of paradigm shift. We expect the governments to take in consideration our recommendations for the UNGASS 2016 and strengthen the dialogue with the civil society to promote the social progress, improve the living conditions and guarantee the full implementation of human rights.

The change is necessary and possible. It is time to make it real.

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I. INTRODUCTION

Latin America has played an important role in the world debate towards achieving alternative and renewed approaches as regards drug policies. It has also promoted a critical view in response to the results and the negative impact derived from the current International Drug Control System, whose punitive approach was inspired by the conventions issued by the United Nations Organization since 1961. The commitment to achieving a drug-free world signed by the countries in the Declaration of 1998 and ratified in 2009, resulted in being not only unrealistic but also highly counterproductive.

The countries of the region, that are mainly characterised by their institutional weakness, limitation of financial resources, high inequality rates, inequity and social exclusion, violence and corruption, have been forced to adjust their policies according to the mandates of the UN.

The result has been an increase in violence; the infringement of the human rights of the weakest links in the illicit drug-trafficking chain: people who use drugs, women, cultivators, afro-descendants and other ethnic minorities; the disproportionate expenditure on actions to control supply; the overload of the prison system; the lack of services to people who use drugs, with the consequent impact in their health, quality of life and well-being; as well as the stigma and discrimination suffered by those who are involved, for different reasons, in the illicit drug-trafficking market.

After the Cumbre de las Américas (Summit of the Americas) in Cartagena, in 2012, the OAS received the mandate of the Heads of State and Government, to produce an analytic report of current trends, the best practices, political challenges and the definition of the environments where future results are projected¹. This takes place as a result of the acknowledgement of the "problem" of drugs as one of the most important challenges that the hemisphere faces, the impact on public health and its cost, particularly in terms of associated violence. In the opinion of the presidents, although the current approach has shown some results, it has not been successful.

In that same year, the presidents of Colombia, Mexico and Guatemala asked the United Nations to promote the international debate regarding the reform of drug policies. After that, Mexico and 95 other countries, many of them from Latin America, encouraged the anticipated revision of the issue of illicit drugs, which was initially agreed for 2019.

The Global Commission of Drug Policies, the Latin American Commission of Drug Policies, OEA, CELAC, MERCOSUR and UNASUR, as well as other declarations and pronouncements emitted in very important meetings in the last few years have included

¹ OAS (2013). *Escenarios para el problema de drogas en las Américas 2013-2025*.

the active participation of the civil society of the region and the world. Thus, civil society has acquired a central and strategic role in the debates for the reform of drug policies.

Since the year 2009, Intercambios Asociación Civil from Argentina, has helped to create, along with other partners of the civil society from Mexico, Brazil, Colombia, WOLA and TNI, a space for exchange and debate concerning drug policies in the region. In 2013 the CONFEDROGAS Consortium was constituted and with it the Latin American Conference about Drug Policies was consolidated. Its fifth edition took place in 2014. This space has contributed to the consolidation of meetings of a similar character at a sub-regional level, such as the I Central American Conference on Drug Policies, celebrated that very same year in Costa Rica. These conferences have counted with the participation of a great number of national, regional and international experts, whose contributions have built an important body for reflection and critical analysis as regards drug policies in the region and concrete proposals for change.

The activities prior to the coming United Nations General Assembly Special Session (UNGASS) to be celebrated in New York in April 2016 have focused on revising the effectiveness of the International Drug Control System, showing the negative impact of certain actions such as criminalising the use of drugs and highlighting the necessity to change the current approaches of drug policies.

The need to consolidate real changes in the conventions concerning illicit drugs, such as greater flexibility, the reduction of associated violence and that the States have the necessary autonomy to explore innovative approaches that allow them to tackle the different problems associated with the sale of illicit drugs, have been put forward; despite the most orthodox positions expressed by some actors regarding the consequences that said approaches could bring about for the countries and for the regions. Within the preparatory debate there has manifested a need to improve the horizontal cooperation among countries and cooperation with developing nations².

It is possible to imagine that this situation will be a historical opportunity to build a fresh look to the world drug "problem" and the policies designed to solve it. It will also allow for the evaluation the impact of the action taken so far, reactivate commitments, and revise the viability of integrating new approaches and approximations to the phenomena in all its expressions, with special emphasis on the health and the fundamental rights of the people who use drugs. It is also expected that the sustainability problems of the public policies that have been affected by the international economic crisis will be revised.

This document, written by the Civil Society Task Force² for Latin America and the Caribbean, presents the main conclusions of the preparatory process before UNGASS 2016 and proposes recommendations in the areas of public policies considered priorities. The aim of this document is to make sure that the debate is informed enough by the contributions of different and representative sources in different work areas in the field of illicit drugs in the region. It also summarises the expectations and expected results by the civil society organisations in the region about the long-term impact of the next UNGASS.

² The Civil Society Task Force for UNGASS 2016.

II. CIVIL SOCIETY TASK FORCE: CIVIL SOCIETY CONSULTATION AND PARTICIPATION PROCESS

With the support of the United Nations, the Vienna Non-Governmental Organisation Committee on Drugs (VNGOC) and the New York Non-Governmental Organisation Committee on Drugs (NYNGOC), the Civil Society Task Force (CSTF) was started for UNGASS 2016. The objective of the CSTF is to guarantee the wide, structured, significant and balanced participation of civil society and its mission is to act as a link with the United Nations in the process of preparation for and development of the coming UNGASS on illicit drugs to be held in New York in 2016. The process has been designed to include recommendations, topics and priority areas of public policy in said Assembly. The VNGOC and the NYNGOC have supervised the formation of the CSTF looking for a general balance in terms of geography, conceptual frameworks and intervention approaches.

To fulfill this purpose several mechanisms of participation and collection of contributions were designed. One of them, of broad scope, was the survey of the Global Civil Society UNGASS 2016, applied in order to map the work of civil society organisations and evaluate the level of knowledge and interest in actively participating in the regional and international environments of preparation of the Assembly. A number of regional and thematic consultations have taken place according to the different geographic regions and areas of specialisation, some of them with the support of the governments and multilateral organisms.

From the results of the regional consultations and the information obtained through the surveys, the contributions were systematised and organised in 5 priority topics predefined by the CSTF:

- a) DRUGS AND HEALTH. Aspects related to the decrease in the demand and related measures, including: prevention, treatment, harm reduction, coverage, insurance systems and the availability of controlled substances for medicinal and scientific purposes.
- b) DRUGS AND CRIME. Decrease in the supply and related measures: alternatives to imprisonment, the fight against organised crime, money laundering and the promotion of judicial cooperation.
- c) DRUGS AND HUMAN RIGHTS. Targeting of vulnerable populations and actions to prevent rights violations.
- d) DRUGS AND ALTERNATIVE DEVELOPMENT. Regional, interregional and international cooperation on drug policies balanced and oriented towards development. Tackling of socio-economic issues in order to overcome poverty and marginality.
- e) CHALLENGES. Threats and realities in the prevention and treatment of the world drug phenomenon in the enforcement of the pertinent international law, including the conventions for control of coca, marijuana and poppy; reinforce the principle of common and shared responsibility and international cooperation.

In the elaboration of this report several sources were taken into account:

(i) The results of the survey of the Global Civil Society UNGASS 2016 for Latin America and the Caribbean. This survey was available from 21st April and 31st July 2015, in different languages and was promoted, supported and coordinated by several networks of civil society organisations distributed in 18 regions in the world, two organisations per region and four management committee members (Vienna and Washington); (ii) Declarations, mandates, recommendations and contributions of the civil society in Latin America and the Caribbean in different environments and meetings that took place in 2007; (iii) Interviews with key actors in each one of the proposed topics and (iv) publications of studies and documents elaborated by civil society organisations of the region.

It was necessary to do a preliminary analysis and a depuration of the data base of the survey to elaborate this report. For this analysis, the responses of 243 organisations were taken into consideration. They answered 25 questions: many items were blank and there were many repetitions.

Most of the organisations that participated were non-profit NGOs (77%). The participation of other types of organisations, such as religious, welfare, former users and volunteers, was considerably less.

In the 243 surveys conducted, the percentage of participation was as follows: Colombia (21.4%), Argentina (19.3%), Mexico (12.8%), Brazil (11.1%), Peru (5.8%), Uruguay (4.9%), Bolivia (4.5%), Chile (3.7%), Venezuela (3.3%), Ecuador (2.9%), Costa Rica (2.5%), Dominican Republic (2.1%), Salvador (2.1%), Panama (1.2%), and 0.4% in Aruba, Belize, Guatemala, Honduras, Paraguay and Puerto Rico.

Most organisations are dedicated to training and education, primary prevention, rehabilitation/treatment, human rights, public policy, research and harm reduction. In a smaller proportion, other organisations that work with alternative development, social justice and public health also participated. In the following paragraphs, some results of the analysis are shown.

In terms of its participation in UNGASS 2016, 61% expect civil society to be included as an active party, 27.5% expect to be invited to preparatory meetings and 11.2% expect that communication to broaden, using ICTs to make a greater impact and to be taken into consideration in topics related to policy construction.

Most of the identified needs focus on receiving an orientation on policies and outlines for interventions on drugs, as well as research in order to produce evidence in all areas. Special emphasis is observed in receiving orientation in the approach to prevention and treatment of vulnerable populations and youth.

The contributions in the different areas are described throughout the following chapters.

III. MAIN TOPICS AND RECOMMENDATIONS OF THE CIVIL SOCIETY TASK FORCE OF LATIN AMERICA AND THE CARIBBEAN ON UNGASS 2016

1. DRUGS AND HEALTH³

1.1 Comprehensive care to problematic, non-problematic and medicinal drug use

Most of civil society in Latin America and the Caribbean recommends transforming the principles and current approaches on drug policies, inspired by a punitive paradigm, and moving towards an approach that focuses on people and principles that guarantee human rights and protect the health of the people who use drugs.

The policies must guarantee the comprehensive care of the people who use drugs, having social development, inclusion and care of highly vulnerable groups, as their main core.

³ This chapter is the product of the revision of several sources: CSTF survey to civil society in LAC. Individual interviews with key informants in Jamaica, Brazil, Chile and Guatemala: and the documents quoted below:

1. Declaración de los Productores de Coca de los Países Andino Amazónicos de Perú y Bolivia, La Paz, Bolivia 9 de Agosto de 2011
2. RECOMENDACIONES DEL FORO CIVIL "Conectando las Américas: Fortalecimiento de las asociaciones para la acción después de Cartagena" 11 y 12 de abril 2012, SEXTA CUMBRE DE LAS AMÉRICAS "Conectando las Américas: Socios para la Prosperidad", Cartagena, 2012)
3. COMISIÓN SOBRE GESTIÓN DE CUMBRES INTERAMERICANAS Y PARTICIPACIÓN DE LA SOCIEDAD CIVIL EN LAS ACTIVIDADES DE LA OEA (CISC). (2013). *Recomendaciones del X Foro Hemisférico de la Sociedad Civil y Actores Sociales "Por una Política Integral de Lucha contra las Drogas en las Américas"*. Washington, 9 y 10 de mayo de 2013.
4. COMISIÓN SOBRE GESTIÓN DE CUMBRES INTERAMERICANAS Y PARTICIPACIÓN DE LA SOCIEDAD CIVIL EN LAS ACTIVIDADES DE LA OEA (CISC). (2013). *Recomendaciones de la sociedad civil y actores sociales: Por una Política Integral Frente el Problema Mundial de las Drogas en las Américas*. Antigua, Guatemala, 4 de junio de 2013.
5. ORGANIZACIÓN DE LOS ESTADOS AMERICANOS (OEA). (2013). *Declaración de Antigua, Guatemala: Por una política integral frente al problema mundial de las drogas en las Américas*. Recomendaciones de la Sociedad Civil y Actores Sociales. Antigua, 7 de julio de 2013. Disponible en: http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=D-010
6. IDPC (2014). *Tratamiento obligatorio en América Latina: una práctica no ética, inhumana e inefectiva*. Febrero 2014.
7. COLECTIVO DE ESTUDIOS DROGAS Y DERECHOS (CEDD). (2014). *En busca de los derechos: Usuarios de drogas y las respuestas estatales en América Latina*. Editoras C. Pérez y C. Youngers (eds.). CEDD. México D.F. Disponible en: http://www.drogasyderecho.org/publicaciones/prop_del/reporte-completo.pdf
8. ASOCIACIÓN COSTARRICENSE PARA EL ESTUDIO E INTERVENCIÓN EN DROGAS (ACEID) *et al.* (2014). *Aportes de la Sociedad Civil a los Gobiernos con vistas a la Asamblea Extraordinaria sobre el Problema Mundial de las Drogas de OEA del 19 de septiembre de 2014 en la Ciudad de Guatemala*. San José, 2 septiembre de 2014. Disponible en: <http://idpc.net/es/media/press-releases/2014/09/por-un-nuevo-paradigma-en-las-politicas-de-drogas-un-llamado-de-la-sociedad-civil-a-los-estados-de-la-region>
9. CONSTITUYENTE NACIONAL DE CAMPESINOS CULTIVADORES DE COCA, AMAPOLA Y MARIHUANA (CNCCCAM). (2015). *Mandato nacional de los cultivadores de coca, amapola y marihuana*, Disponible en: <http://prensarural.org/spip/spip.php?article17223>
10. UNODC (2015) Informe del Diálogo Latinoamérica, 2015. *Diálogos Regionales sobre Políticas de Drogas y VIH, Sao Paulo, Brasil. 22 y 23 de Junio, 2015*.
11. CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) (2015). *El impacto de las políticas de drogas en los derechos humanos. La experiencia del continente americano*. L. Pol y X. Tordini (eds.). Buenos Aires. Disponible en: http://www.cels.org.ar/common/Drogas_web_hojas_simples.pdf
12. ABRIENDO EL DEBATE: EL FUTURO DE LA POLÍTICA DE DROGAS EN COLOMBIA. *Diálogo con la sociedad civil sobre las preparaciones de Colombia para la UNGASS 2016*". Bogotá, 18 de septiembre de 2015. Ministerio de Justicia y del Derecho, Ministerio de Salud y Protección Social, Cancillería, Dejusticia, Fundación Ideas para la Paz y UNODC.
13. Declaración de Quito: II Reunión Ministerial sobre el Problema Mundial de las Drogas de la Comunidad de Estados Latinoamericanos y el Caribe – CELAC – Quito, Ecuador, 21-22 de Mayo 2015

At the same time, the democratic states should acknowledge that the people who use drugs, use them in the full exercise of their personal autonomy and their freedom and, as long as they do not violate other people's rights, their life choices are to be respected.

The objectives of drug policies should focus on the comprehensive care that, judged by civil society, corresponds to a process that includes universal, selective and indicated prevention, health promotion, medical care, risk and harm reduction, treatment, and quality rehabilitation, based on the evidence, as well as respectable and real alternatives of social inclusion.

For this, it is necessary that the states redirect their priorities and carry out a redistribution of investment, now mainly focused on coercive actions to control the supply of illicit drugs, transferring a percentage of said investment to prevention, comprehensive care, social inclusion and protection of the groups that are most affected by drug use. The investment should be sufficient and permanent, and should reflect the importance that is given to drug use in the state agendas of the region.

The states should be guarantors of the formulation of norms and public policies framed by the principles of comprehensive care and public health that guarantee coherence, consistency and continuity of the initiatives developed.

The integration of approaches on public health, human rights and social inclusion is only possible if the use of drugs is acknowledged as a socio-sanitary phenomenon and the criminalisation of drug use and of drug users is abolished once and for all.

It is vital to integrate the social and cultural determination approach to health. An overload of negative public health events within highly vulnerable groups is common in the region and is attributed to the structural and social factors associated with inequality and inequity. The improvement of health cannot, for this reason, leave aside the social factors and the states should carry out decided action to prevent and mitigate them.

The success of comprehensive care and particularly that of treatments is measured using social inclusion as a key element, so that the people who use drugs –independent of whether that they have left them or not- can fully integrate into the social and cultural life of their communities.

The inclusion or social integration of drug users requires the development of productive and flexible schemes in public-private alliances and the promotion of self-organised schemes or alternatives like cooperatives, that are able to counteract the everyday violence derived from stigma and discrimination. In this, the work to strengthen social and community networks is essential.

Even when Latin America and the Caribbean have advanced in the entitlement of the right to health, the mechanisms for its effective exercise are weak. It is observed that in different countries the health systems are collapsed and can hardly attend to basic health needs. For this reason, civil society has called for innovation as regards prevention and care to the people who use drugs, for it's necessary to define with clarity the scope of the public health approach, strengthen the health systems, and reinforce the role of prevention,

primary health care, ambulatory services and the tools of community based care, as low cost and high impact strategies.

We call for advances in the implementation of "proximity services" located on the streets and in the communities, and to not limit prevention and assistance to educational and sanitary services. In other words, services must actively search for contact with those who are most likely to use drugs, as well as those who use drugs, given that being stigmatized and labelled keeps them permanently marginalised from health services.

The states should efficiently audit and regulate private care initiatives for drug users. Punishment, cruel treatment, locking people up and the violation of autonomy and self-determination, among other fundamental rights, are inadmissible as forms of treatment and should be eradicated from the region. Involuntary treatments and drug courts that continue with the punitive system against drug users should also be eliminated and re-evaluated.

It is necessary to respect the right of every person who uses drugs to choose when and what kind of treatment they want to get. They should not be forced to start, suspend or accept a certain treatment.

Informed consent should be an integral part of the care and the treatment for the people who use drugs, and they should be clearly told what alternatives are available and what the conditions of care are. The bioethical principle of the autonomy of the individual should be respected.

Comprehensive care should be based on differential and specific approaches that correspond to the circumstances of the groups that are most vulnerable and minorities, including LGBT people. The perspective of gender diversity must be common to comprehensive care, and people who are incarcerated, and suffer from problematic drug use, should have unlimited health care on equal terms with the rest of the community. The legal situation of the individual should not restrict, in any circumstance, access to or the continuity of treatment.

Prevention, early detection and the treatment of complications in physical and mental health must be integrated into the care of those who use drugs, including depression, suicidal ideas, HIV, TB and viral hepatitis.

It is also expressed the need to acknowledge, in the framework of the policies of comprehensive care to drug users, the diversity of users and circumstances of drug use. Doing this, would allow an advance towards inclusive policies that recognise the existence of problematic, non-problematic and recreational consumption. For this, it is recommended to also improve the understanding of these phenomena fostering research on empiric grounds.

The medicalization of all drug uses ignores and usually applies the same model independently of whether there are problematic, non-problematic or recreational users. For this reason, risk and harm reduction should be a common approach to the comprehensive care of all people who use drugs. The pharmacotherapy should be available (including

substitution treatments) whenever it is necessary, and be offered as a complement to psycho-social care, avoiding its overuse or its use as a mechanism of control.

Stigma and discrimination constitute the main barriers to the access to health services and treatment for the people who use drugs in the region. The states should make efforts to reduce symbolic and physical violence in the media, health centres and in society in general, against the people who use drugs.

Organizations such as the Latin American Federation of Therapeutic Communities, and other networks, and organisations of a similar character, are making great efforts to improve the quality of care and treatment. These networks started and have developed in response to a phenomenon that is traditionally left unattended by the states. At present, the lack of access to appropriate resources has prevented the development of systematic processes of training and technical updating. It is necessary that the states foster and finance institutional strengthening programmes for the organisations of civil society.

The states should consider civil society, as represented by NGOs and other organisations, strategic actors in health systems and take into consideration that the actions of these organisations facilitates the construction of base evidence in order to make decisions on public policies through: insertion and presence in the territories, direct contact with vulnerable and marginalised communities, services of chemical analysis of psycho-active substances, work effectiveness among peers, alternatives to the treatment of problematic drug use and development of innovative methods of approaching drug users, including its recreational use.

It is recognised that the states have put a large part of the responsibility as primary guarantors of the right to health and the social protection of drug users and their families, as well as those who, without being consumers, live in situations of risk and exposure to them, onto NGOs, community-based organisations, the private sector and the international community,. For this reason, the NGOs and community-based organisations demand to be acknowledged and supported both technically and financially.

The implementation of certification and standardisation systems to ensure the quality of preventive action, harm reduction, treatment and rehabilitation by the states, will be possible if the NGOs can count on mechanisms and resources for their consolidation and constant improvement.

On the other hand, it is necessary to implement monitoring and evaluation systems of the results of interventions in public and private institutions. Some organisation networks of civil society consider that in these initiatives it is crucial to actively involve the people who use drugs.

Broad and constant training, guidelines and protocols as well as financing and support to the NGOs and community-based organisations are needs were felt and expressed in the survey that was carried out with civil society organisations of the region.

1.2 Access to controlled medicines, decriminalisation and regulation of plants.

The lack of access to controlled medicines in the necessary quantities and doses is attributed to the prohibition of UN conventions, to the resistance of medical associations and to doctors' training as regards care and the prescription of medicines. This has violated the rights of millions of people with chronic illnesses and has deprived them, in the same way it has deprived people who are dependent on opium derivatives (including people dependent on heroin), of the possibility of relieving pain or finding therapeutic alternatives to their pain.

A large sector of the civil society of Latin America and the Caribbean demand the opening up of the debate and advancing towards consensus concerning the regulation of plants such as cannabis for medicinal use as well as the acknowledgement of coca leaf and poppies for therapeutic uses.

In the region, saving some exceptions, the use of medicinal cannabis is forbidden or restricted to certain populations (in Jamaica, for example, the Rastafarae) despite the growing evidence of its usefulness in the treatment of different illnesses.

Some sectors of civil society, for example in Brazil, consider that it is necessary to regulate the domestic growing of marijuana and acknowledge its medicinal uses.

Also, the representatives of cultivators of coca leaf demand the decriminalisation of the plant, the recognition and respect for the wisdom and the medicinal and traditional uses of natural and ancestral plants, which have been used in the entire American territory for thousands of years; In particular, in countries where interculturalism⁵ and respect for cultural and ethnic diversity were promoted.

They declare the need to foster integrated markets and industrialisation for the production of foods and other goods as well as research of the traditional and ancestral uses, and the potential therapeutic and food use of the plants. For this reason, they explicitly demand that a study carried out by the World Health Organisation between 1992 and 1994 about the therapeutic uses of coca leaf⁴ be made public.

Nonetheless, civil society is worried about the creation of monopolies on the part of large pharmaceutical companies as the states are incapable of adequately regulating the market and producing cannabis for medicinal use, which would leave the local cultivators aside and without their source of livelihood.

Despite the fact that some minority sectors of the civil society want to make a record of their worries concerning the regulation of cannabis for medicinal use, given that they consider that this could open the door to its regulation for recreational use. Most of the organisations consider that the debate and all the decisions with regard to drug policies should be based on the available evidence.

Diverse movements as well as social collectives of relatives of patients that use medicinal cannabis demand legal means of access to the active ingredients of the plant as a

⁴ Study to be published by WHO in 2005 - Transnational Institute TNI. Ver: <https://www.tni.org/en/article/who-cocaine-project>

therapeutic alternative. On the other hand, diverse social associations give arguments in favour of the regulation of the cannabis market for recreational use and the collective benefits concerning public health.

The evidence that has been collected in the United States and Uruguay does not indicate an increase in the use of this substance, more than that which had already been identified before the regulation initiatives. For example, Valdomir and his collaborators (2015)⁵ observe that in Uruguay the growth in prevalence between 2001 and 2014 shows that the increase been under the expected lineal tendency for the period and that the age of initiation of the consumption of marijuana maintains that tendency in a delay in initiation.

Anderson and his collaborators (2014)⁶ analysed the relation between the regulation of medicinal cannabis and its use by college students in 16 states of the United States in which cannabis for medicinal use has been regulated and conclude that there are no results that support the hypothesis of a possible increment in the use by students, since the regulation.

So, until now there is no evidence that supports the direct relationship between the regulation of cannabis for medicinal or recreational use and the increment in the consumption in general or in underage people in particular. Countries are urged to develop lines of investigation that generate real and clear evidence regarding these activities.

Countries like Uruguay consider that the regulation of cannabis is an efficient measure to restrict the access of young people to the substance and that it has to be complemented by actions that educate as regards the risks of use of all the psychoactive substances, including cannabis, from an early age.

⁵ Valdomir, S; Baudean, M; Robaina, G y Collazo, M. (2015). *El módulo sobre cannabis en la 6ª encuesta nacional sobre consumo de drogas en hogares: hacia una estrategia de evaluación y monitoreo de la regulación del mercado de cannabis en Uruguay*. FESUR.

⁶ Anderson, M; Hansen, B y Rees, D. (2014). *Medical marijuana laws and teen marijuana use*. Research briefs in economic policy No. 11. October, 2014. Cato Institute.

2. DRUGS AND CRIME⁷

2.1 New political approaches as regards drugs and crime

Sectors of the civil society of Latin America and the Caribbean urge the states to acknowledge and respect their autonomy and sovereignty. The conventions of the United Nations and the actions derived from them have contributed to an increase in violence and the violation of the human rights of large sectors of the societies of the region and, especially, those of minorities and the most vulnerable groups. For this reason, the states are urged to build estimates to the problem that respond to the regional, sub-regional and local peculiarities, and not only to the international mandates.

It is recommended to recognise explicitly the right of countries to define their own drug policies and to experiment with new normative approaches, including decriminalisation of the possession and personal use of drugs, private growing of plants and especially the regulation of illicit markets in accordance with the needs and realities of their populations.

Respect towards the *pro homine* principle must be the foundation of the drug policies for the region, trying to achieve with it a greater benefit for all human beings and acknowledging the norms that protect human rights before the ones indicated by other conventions, declarations or mandates.

⁷ This chapter is the product of the revision of several sources: CSTF survey to the civil society in Latin America and the Caribbean, individual interviews to key informants in Jamaica, Brazil, Guatemala, Colombia and Bolivia, and the documents quoted as follows:

1. Meetal, P y Youngers, C. (eds.) (2010). *Sistemas sobrecargados: leyes de drogas y cárceles en América Latina*. TNI – WOLA. En http://www.dejusticia.org/files/r2_actividades_recursos/fi_name_recurso.192.pdf
2. Uprimny, R, Guzman, D, Parra, J. (2012). *La adicción punitiva: la desproporción de las leyes de drogas en América Latina*. En: http://www.druqlawreform.info/images/stories/documents/la_adiccion_punitiva.pdf
3. RECOMENDACIONES DEL FORO CIVIL "Conectando las Américas: Fortalecimiento de las asociaciones para la acción después de Cartagena" 11 y 12 de abril 2012, SEXTA CUMBRE DE LAS AMÉRICAS "Conectando las Américas: Socios para la Prosperidad", Cartagena, 2012)
4. ASAMBLEA GENERAL OEA RECOMENDACIONES DE LA SOCIEDAD CIVIL Y ACTORES SOCIALES, "Por una Política Integral Frente el Problema Mundial de las Drogas en las Américas" Comisión sobre gestión de cumbres interamericanas y participación de la sociedad civil en las actividades de la OEA (CISC) Antigua, Guatemala - 4 de junio de 2013
5. RECOMENDACIONES DEL X FORO HEMISFÉRICO DE LA SOCIEDAD CIVIL y actores sociales "Por una Política Integral de Lucha contra las Drogas en las Américas" Comisión sobre gestión de cumbres interamericanas y participación de la sociedad civil en las actividades de la OEA (CISC). Washington 9 y 10 de mayo de 2013.
6. COLECTIVO DE ESTUDIOS DROGAS Y DERECHOS (CEDD). (2014). *En busca de los derechos: Usuarios de drogas y las respuestas estatales en América Latina*. Editoras C. Pérez y C. Youngers (eds.). CEDD. México D.F. Disponible en: http://www.drogasyderecho.org/publicaciones/prop_del/reporte-completo.pdf
7. Aportes de la Sociedad Civil a los Gobiernos con vistas a la Asamblea Extraordinaria sobre el Problema Mundial de las Drogas de OEA del 19 de septiembre de 2014 en la Ciudad de Guatemala". 2 de septiembre de 2014, San José, Costa Rica, Reunión satélite de la V Conferencia Latinoamericana y I Conferencia Centroamericana sobre Políticas de Drogas. 2014.
8. Reunión satélite de la V Conferencia Latinoamericana y I Conferencia Centroamericana sobre Políticas de Drogas (2014). *Aportes de la Sociedad Civil a los Gobiernos con vistas a la Asamblea Extraordinaria sobre el Problema Mundial de las Drogas de OEA del 19 de septiembre de 2014 en la Ciudad de Guatemala*. 2 de septiembre de 2014, San José, Costa Rica
9. CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) (2015). *El impacto de las políticas de drogas en los derechos humanos. La experiencia del continente americano*. L. Pol y X. Tordini (eds.). Buenos Aires. Disponible en: http://www.cels.org.ar/common/Drogas_web_hojas_simples.pdf
10. Declaración de Quito: II Reunión Ministerial sobre el Problema Mundial de las Drogas de la Comunidad de Estados Latinoamericanos y el Caribe – CELAC – Quito, Ecuador, 21-22 de Mayo 2015
11. CEDD (2015). *Mitigando la adicción punitiva: alternativas al encarcelamiento para delitos de drogas*. En: http://www.drogasyderecho.org/publicaciones/pub-priv/Sergio_v07.pdf

The use of penal law of the States should focus on the reduction of violence through the investigation and judging of the crimes associated with money laundering, corruption of repressive forces and the coexistence of crime with different segments of the states and governments of the region.

It is worrying to civil society, the growing territorial control by illegal agents and their relation with local authorities in different countries of the region. According to some analysts, this has led criminal structures to not only contribute to an increase in corruption but also to weaken state structures and make them illegitimate.

It is necessary to admit that the greatest source of violence in the region comes from black markets among which we can find illicit drug trafficking, and that the greatest cause of the violation of the rights of the people who use drugs, is the "de jure" or "de facto" criminalisation for possession or personal use of drugs, and the intervention of the State in the individuals choices concerning the use of drugs. The severity of the legislation regarding drugs and the disproportion of the sentences contravene constitutional frameworks and the principles of the International System of Human Rights.

It is important to highlight that the administrative sanctions for consumption and possession for personal use are norms that, to the judgement of certain organisations, allow the *de facto* criminalisation of consumers and their submission to arbitrary treatment by the police.

For this reason, if drug use is understood as a social and health issue, it has to be totally separated from the field of criminal justice. It is vital to separate the personal use of drugs and all the conducts tending to this end from the penal and security fields. At the same time, it is important to place the fight against illicit drug trafficking as a matter of citizen security, instead of a matter of national security.

So, the States have to define clear criteria and objectives that allow it to determine the destination of the drugs found in possession of an individual, as well as to define regulatory frameworks and fill the normative gaps that promote discretion and arbitrariness in detentions, the application of the law and the definition of judicial processes against people who use drugs.

At the same time, it is considered important that the States incorporate an approach of integral security that transcends the actions of the public and military forces, and contemplates the political, economic, social, cultural and environmental dimensions. It is understood that the protection of human rights, the strengthening of democracy, and citizen involvement contribute to social order and security, as well as the overcoming of social vulnerability, inequity and social exclusion.

2.2 The negative impact of a repressive approach

The States of the region, in an attempt to control the production and trafficking of illicit drugs, have increased the severity of the laws and the sentences in a disproportionate manner, bringing as a consequence an overload to the judicial and penitentiary systems. According to a report of the CELS (2015), thousands of people, mainly from highly vulnerable groups, have been deprived of their freedom for petty crimes related with drugs or mere possession. Most of the judicial efforts concentrate on initiating minor cases for the possession of small quantities of drugs over crimes related to trafficking on a large scale.

Recent reports by CEDD (2015) show that in Latin America one of every five people are deprived of their freedom for crimes related to illicit drugs and that the population imprisoned for these types of crimes has risen in a larger proportion than the penitentiary population in general. In Brazil, the increase was of 320% between 2005 and 2012 whereas for the rest of the penitentiary population it was 51%; in Colombia, the percentage of people imprisoned for these crimes is four times larger in the last 14 years; in Mexico, the increase was by 1200%.

It is observed with concern that these measures not only have not had an impact on the phenomenon nor on the business, given that the people involved belong to a high vulnerability groups and have roles of little relevance, but that they have even been counterproductive.

It has been noticed that there is an increase in the percentage of women who go to prison. For example, in Argentina, for 65% of the women deprived from their freedom the cause is crimes related to drugs; in Costa Rica the percentage is 76. Most of the women are single mothers of low resources who, frequently, belong to ethnic minorities and who are not allowed to continue raising their children or taking care of those they are in responsible for.

This reality has disproportionately affected women and young people who also have to face the stigma associated with crime and imprisonment, and whose perspectives and alternatives for the future are affected.

The excessive application of sentences and the persecution focused on people who belong to minority groups and women is perceived as a way to "criminalise and judicialise social problems," without preventing or attending to the real causes of involvement in these groups in illicit drug trafficking circuits.

The costs of the repressive approach in the region are not only measured by indicators of violence and abuse by the public forces towards people who use drugs, but also in the increase in the corruption and impunity rates. In Central America and Mexico the lack of

governability and excessive violence is directly related with cocaine trafficking in North America.

The rates of homicides per hundred thousand inhabitants in Latin America have overtaken those in Africa. Brazil, Colombia, Mexico and Venezuela are the countries in which it is estimated that 1/4 of the homicides of the world are concentrated. Many of them are directly linked to the repression of the markets of illicit drugs. In Brazil, 77% of homicides involve afro-descendant young people.

The countries of the region are urged to strengthen horizontal cooperation and articulated action as well as to reinforce the state capacity for the investigation, tracking, recording and penal persecution of the illicit trafficking of weapons and ammunitions to be able to control the deviation and trafficking of weapons to criminal organisations, the population in general and other countries of the region, and to control human trafficking.

Civil society also urges the States to find alternatives to imprisonment and clarifies that within said measures it is not possible to rely on drug courts or treatment courts because they are measures through which penal treatment prevails over those of comprehensive care from the socio-sanitary sector. The theoretical and practical limitations of this model¹⁰ have been analysed. Apart from reinforcing the repressive action based on abstentionism, applied in the Latin American context, which is characterised by scarcity and institutional weakness of resources and treatments, implies serious challenges, barriers and greater risks when it comes to massive implementation of drug courts.

The Antigua Declaration in 2013 and OAS in 2014, followed the General Assembly had called for the governments of the region to promote alternatives to imprisonment taking into consideration gender issues, the seriousness of the crimes committed and the proportion of the sentences. The technical report issued in 2015 by CICAD/OAS and others⁸, points out the importance of searching for new alternatives for minor, non-violent crimes, and only making use of imprisonment in cases of violent crimes, high level drug trafficking and other serious threats to the security of the countries.

It is necessary to advance decisively towards reducing the population in prisons and reaching a consensus as regards prisons not being considered a means to fight against drug trafficking. Civil society does not support the criminalisation of the weakest links of the illicit drug trafficking circuit and recommends that for those who are being prosecuted, alternative measures are found.

It is fundamental, in any case, to make efforts to improve the conditions of reclusion in the prisons of the region that ensure decent living conditions and differentiated approaches.

High costs are identified in the damage to the social fabric and networks, the marginalisation, stigmatisation, discrimination and criminalisation of vulnerable sectors whose opportunities of social inclusion and full participation in society are affected by the repercussions of their involvement in the illicit drug trafficking circuits.

⁸ CICAD/OAS, Closing the Gap y Minjusticia (2015). *Informe técnico: alternativas al encarcelamiento para los delitos relacionados con drogas*. Informe de la Secretaría Técnica del Grupo de Trabajo de Alternativas al Encarcelamiento.

It is perceived with concern the emergence of conservative movements and of state answers that will, instead of revising critically the results of the repressive approach, reinforce it and have recently embarked upon legislative initiatives, the objective of which is to make the sentences for crimes associated with illicit drugs higher. Some examples of this have taken place in countries like Brazil, Argentina and Colombia.

The greatest impact of these measures, as has been previously mentioned, is the overloading of the judicial and penitentiary systems. The crimes associated with drug trafficking should be criminalised according to their seriousness and measures need to be defined that differentiate drug users, dealers and different types of dealers. The policies used to counteract crimes should focus on reducing the violence associated with illegal trade, among which we can find the business of drug trafficking and the crimes committed by criminal organisations.

Therefore, the States should implement strategies to fight against the violence associated with organised and transnational crime. The persecution of transnational crime does not require considerable military power nor does it imply an increase in violence. An emphasis should be made on the development of intelligence activities that go after cases of money laundering, corruption within the repressive forces and crime in different state sectors.

It is also recommended to foster initiatives from citizens that contribute to reducing the violence associated with the illicit drugs trade.

Despite the resistance of certain conservative and religious sectors of different countries in Latin America and the Caribbean, a significant sector of civil society thinks that the States of the region should move towards the decriminalisation of drug use, private growing of plants, and even the regulation of illegal markets.

Finally, the different sectors of civil society consider that is important to open up the debate regarding the intention of repressive approaches to make the cost of drugs more expensive for the final consumers. No evidence exists to support the idea that the high cost of drugs results in a reduction in the rates of use. On the contrary, it contributes the strengthening of organised crime.

3. DRUGS AND HUMAN RIGHTS⁹

The countries of the region are mainly democratic and multicultural societies that have defined constitutional frameworks and have ratified their commitment with the international and regional norms as regards human rights.

Repressive drug policies can easily threaten said constitutional frameworks and violate the human rights of the groups involved in the different manifestations of the phenomenon of illicit drugs.

Civil society has contributed with analysis and reflections with regard to the impact of drug policies when it comes to human rights and the different areas of intervention. Most of them have been already described in previous chapters or will be dealt with in further sections. This chapter offers a summary of the most worrying aspects with regard to human rights: first, from the perspective of public policy approaches and second, from particular groups.

3.1 New political approaches as regards human rights

Due to the democratic nature of most of our States, the drug policies that are designed and implemented should be equally democratic, respectful of constitutional frameworks and of international obligations as regards illicit drugs and human rights.

The conventions and treaties on illicit drugs allow a certain flexibility and discretionary behaviour on the part of the States. As a consequence, as has already been proved in some countries of the region, it is possible to explore new approaches that guarantee, above all, respect for human rights and mitigate the impact of prohibition.

It is also considered important that the States acknowledge that the groups, the rights of whom have been violated, mostly share conditions of vulnerability related to the use of drugs, among them: poverty, freedom deprivation, diversity of gender, ethnic minorities, rural and farming population, adolescents, and youth. These groups already show

⁹ This chapter is the product of a summary of the revisions made in the two previous chapters and the one that follows. However, it contains specific contributions of the following documents.

1. Meetal, P y Youngers, C. (eds.) (2010). *Sistemas sobrecargados: leyes de drogas y cárceles en América Latina*. TNI – WOLA. En http://www.dejusticia.org/files/r2_actividades_recursos/fi_name_recurso.192.pdf
2. Uprimny, R, Guzman, D, Parra, J. (2012). *La adicción punitiva: la desproporción de las leyes de drogas en América Latina*. En: http://www.druglawreform.info/images/stories/documents/la_adiccion_punitiva.pdf
3. COLECTIVO DE ESTUDIOS DROGAS Y DERECHOS (CEDD). (2014). *En busca de los derechos: Usuarios de drogas y las respuestas estatales en América Latina*. Editoras C. Pérez y C. Youngers (eds.). CEDD. México D.F. Disponible en: http://www.drogasyderecho.org/publicaciones/prop_del/repote-completo.pdf
4. CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) (2015). *El impacto de las políticas de drogas en los derechos humanos. La experiencia del continente americano*. L. Pol y X. Tordini (eds.). Buenos Aires. Disponible en: http://www.cels.org.ar/commom/Drogas_web_hojas_simples.pdf
5. Declaración de Quito: II Reunión Ministerial sobre el Problema Mundial de las Drogas de la Comunidad de Estados Latinoamericanos y el Caribe – CELAC – Quito, Ecuador, 21-22 de Mayo 2015

limitations in effectively exercising their fundamental rights and due to different reasons they have seen themselves involved in the use, trafficking, growing or production of illicit drugs.

In all these groups, which are far from being the main agents and beneficiaries of the profitable business of illicit drug trafficking, the repressive drug policies have had collateral effects that have deepened their conditions of vulnerability.

In consequence, civil society recommends that the States develop quality comprehensive care policies for the use of drugs and policies of sustainable development that guarantee better results and reduce the main sources of violence, harm and costs associated with drugs and their prohibition.

3.2 Violation of the rights of the people who use drugs

The policies of the States regarding the use of drugs in the region have been generally weak because they have focused their investments mainly on the reduction of supply. As a result, prevention and services to drug users have been delegated to the private sector or have been left to be solved by norms that criminalise the possession and personal use of drugs.

Although the countries of the region have advanced towards the decriminalisation of the possession and personal use of drugs, the punitive approach in the face of consumption is still a common practice in many countries. The absence of clear normative frameworks that offer tools to the public forces and the judicial systems to differentiate the destination of the drugs that the individual possesses has led for the laws to be applied with a discretionary nature and that there has been a certain arbitrariness in the detentions and judicial processes of the people who use drugs.

In the same way, the consolidation of the punitive approach in the region has created stereotypes and social representations that lead the people who use drugs to be stigmatised, singled out, discriminated against, persecuted, and harassed.

The right to health, autonomy, self-determination and freedom of movement are the rights that have been most violated in this population.

The States should acknowledge that the people who use drugs are individuals with rights and, within the framework of democratic societies, those who decide to use drugs are exercising their right to freedom and their personal autonomy. Thus, they should be respected.

Many treatments in most countries use practices that violate the right to free choice, dignity, integrity, a good name, equality, freedom, confidentiality and personal autonomy. Cruel treatment persists and access, continuity of treatments and access to psychotropic medication, analgesics and substitutes are limited to the fulfilment of goals such as abstinence or to institutional rules that do not necessarily respond to a protocol or to the

personal circumstances of the users. In this way, the treatment of many people who use drugs is not based on quality standards, scientific evidence or respect for fundamental rights.

So, it is essential to respect the right that every person who uses drugs has to choose when and what type of attention they want to receive. They should not be forced to start, suspend or accept any particular treatment.

Accordingly, it is essential to facilitate unlimited access to health care to people who, being incarcerated, demonstrate problematic drug use and said services should be given in equal conditions as to the rest of the people in the community.

It is necessary to ensure access to preventive measures, accurate diagnosis, and treatment for HIV, TB and viral hepatitis to people who use drugs in the region, as they are one of the groups most vulnerable to contracting infections.

It is vital that the States ensure access to comprehensive care services that include prevention, health care, risk reduction, harm reduction and quality treatments based on the evidence and adjusted to the patterns of use most prevalent in the region.

It is recommended to design and implement actions that seek the reduction of stigma and discrimination surrounding people who use drugs.

3.3 Violation of the rights of criminalised populations due to their involvement in the production and trafficking of drugs

The system of illicit drug monitoring has led the countries of the region to reinforce their legal frameworks and to increase the sentences without taking into consideration the principle of proportion.

As a consequence, the associated violence and imprisonment rates due to crimes associated with illicit drugs has grown exponentially, contributing to the deterioration of security in large territories, the overload of the penitentiary systems and the judicial systems.

Recent studies conducted by the CEDD (2014; 2015) and the CELS (2015) show a tendency to make women the targets of the criminalisation of drugs and that the rates of the imprisonment of women in the region have increased. Often, they are women without a criminal record, single mothers, with young children or other people in their care. At the same time, the studies show that most cases correspond to minor, non-violent crimes and the possession of small quantities of illegal substances.

Many minority groups contribute to swell the numbers of detentions and imprisonments, such as agricultural cultivators, collectors, human carriers or people who work in centres where they process cocaine paste. Many young people are condemned for drug trafficking in different countries; many of them are afro-descendants.

In countries like Brazil, there is a huge number of people who are murdered as a result of black markets and illicit drug trafficking; most of them are afro-descendants. Sectors of civil society consider that behind these numbers there is a “structural racism” that promotes and perpetuates inequality and maximises violence.

The greatest violation of human rights takes place in prisons, where there are no decent living conditions and where overcrowding, physical and sexual violence, the mix of people who use drugs and commit minor crimes with others who have extensive criminal and, generally violent, careers is very common.

The development of policies with differential approaches is recommended. They should offer alternatives to imprisonment for the treatment of minor, non-violent crimes associated with drugs.

3.4 Violation of the rights of the people who cultivate plants declared illicit

The main effect of the drug policies in this area has been the displacement of crops and the production of illicit drugs in isolated regions with poor state presence, inhabited by extremely vulnerable communities.

The “zero coca”, “alternative development”, “crop substitution”, “forced eradication” and “fumigation” policies have had negative effects on the rights of many populations who inhabit these territories. Among these effects, we can find increased violence, insecurity, forced displacement, threats to security and food sovereignty, damage to subsistence crops, and to the environment.

For their part, ancestral societies with their traditional uses have suffered violations of their economic, social and cultural rights, by not being able to cultivate and have free access to the plants that they have used as food or alternative medicines since ancient times.

Therefore, it is necessary that the States acknowledge the structural factors that contribute to the fact that many farm workers and indigenous people, who are in a highly vulnerable state, get involved in these activities to ensure their subsistence and their survival in areas where there are criminal organisations who exert pressure to control the territories and the large scale production of illicit drugs.

4. INTEGRAL AND SUSTAINABLE DEVELOPMENT¹⁰

Most of the civil society of Latin America and the Caribbean agrees on eliminating the term “alternative development” and moving to the concept that the United Nations Development Programme (UNDP) has suggested. For this reason, the present chapter has been renamed.

4.1 Impact of the current policies on the production and commercialisation of plants that are considered illicit and their derivatives

The restriction of free access to plants, as a product of prohibition, has violated the human, economic, social, cultural, and environmental rights of the ancestral peoples and rural communities in Latin America and the Caribbean.

Even when some States have advanced in protecting interculturalism and the rights of indigenous and traditional peoples to cultivate and use these products, the situations of poverty, marginality and structural violence in several countries has led some farm workers, indigenous people and afro-descendants to join the chain of production of crops for illicit uses as a source of livelihood or alternative income.

The crops are located in areas where there are comparative market advantages, where corruption affects the institutions, where cultivators can comparatively elude the repression of the "drug war", or where the State does not guarantee the fundamental rights of the population.

¹⁰ This chapter is the product of the revision of several sources: CSTF survey to civil society in LAC, individual interviews with key informants in: Jamaica, Colombia, Bolivia, and the documents quoted below:

1. RECOMENDACIONES DEL FORO CIVIL "Conectando las Américas: Fortalecimiento de las asociaciones para la acción después de Cartagena" 11 y 12 de abril 2012, SEXTA CUMBRE DE LAS AMÉRICAS "Conectando las Américas: Socios para la Prosperidad", Cartagena, 2012)
2. Reunión satélite: de la V Conferencia Latinoamericana y I Conferencia Centroamericana sobre Políticas de Drogas (2014). "Aportes de la Sociedad Civil a los Gobiernos con vistas a la Asamblea Extraordinaria sobre el Problema Mundial de las Drogas de OEA del 19 de septiembre de 2014 en la Ciudad de Guatemala". 2 de septiembre de 2014, San José, Costa Rica
3. CELAC (2014). *Declaración especial sobre la hoja de coca. II Cumbre CELAC, La Habana 2014, 28 y 29 de Enero.*
4. CELS (2015) *El impacto de las políticas de drogas en los derechos humanos. La experiencia del continente americano, Centro de Estudios Legales, y Sociales – CELS.* L. Pol y X. Tordini, Marzo 2014
5. UNDP (2015). *Perspectives on the development dimensions on drug control policy.* En: https://www.unodc.org/documents/ungass2016/Contributions/UN/UNDP/UNDP_paper_for_CND_March_2015.pdf
6. Abriendo el Debate: El futuro de la política de drogas en Colombia. *Dialogo con la sociedad civil sobre las preparaciones de Colombia para la UNGASS 2016.* Bogotá, 18 de septiembre de 2015. Ministerio de Justicia y del Derecho, Ministerio de Salud y Protección Social, Cancillería, Dejusticia, Fundación Ideas para la Paz y UNODC.
7. Mandato nacional de los cultivadores de coca, amapola y marihuana, Publicado el 07 de julio de 2015 en: Noticias Nacionales, Radio Macondo. 2015
8. Declaración de Quito: II Reunión Ministerial sobre el Problema Mundial de las Drogas de la Comunidad de Estados Latinoamericanos y el Caribe – CELAC – Quito, Ecuador, 21-22 de Mayo 2015

It is vital to take into consideration that, above all, the poverty, inequality and abandonment of large rural, mountain and jungle areas by the State, have also been the cause of the increase in illicit crops.

The policies of "zero coca", "forced eradication", "fumigations", "crop substitution" and "alternative development" have caused very high social and environmental costs. They have become part of counterinsurgency programmes, along with ignorance of social organisations of the territories, affecting the security and the food sovereignty of the peoples, introducing foreign crops along with their plagues in large areas, increasing the level of insecurity and violence in the areas of production, fostering forced displacement and generating irreparable damage in terms of human rights, the legitimacy of the States, public health and the environment.

Moreover, they have fostered the criminalisation and stigmatisation of the cultivators who are, in general, the weaker links in the production and drug trafficking chain.

With eradication, not only the plants will disappear: The traditions and the crops of a farming economy will disappear, too. This prohibitionist strategy has given way to dispossession, emptying the territories of rural people to give way to extractive models and a mining and energy economy enclave.

It is not possible to fully eradicate the coca, cannabis or poppy crops. Consequently, it is necessary to think about the coexistence of the plants and the rural development of the populations that have traditionally grown them, so that the economic benefits stay in the hands of the populations that have been historically marginalised.

4.2 Consultation and participation of the social movements, civil society and the strengthening of the local community

The demand has been clear. For a decade now, Bolivia has asked to differentiate and remove the coca leaf from the list of substances under international control. Cultivators of cannabis and poppies in the region have joined this petition.

It is recognised that the integral and sustainable development of the territories that produce these crops is a great challenge for the States. The cultivators and other representatives of civil society consider that such policies should be implemented in a concerted way and integrate the social movements that have spoken regarding the issue. It should be applied gradually and in a differentiated way, according to the peculiarities of the territories and the populations.

Acknowledging the role of civil society, social movements and local governments is essential in order to move towards the definition of approaches and mechanisms of public policies that are respectful of the rights and the autonomy of the peoples. The strengthening of the farming economies is considered an alternative to the substitution of the crops declared illicit.

4.3 Respect for human rights, independent economies and interculturalism

Prior to their prohibition, the coca, poppy and marijuana crops were almost exclusively used for ancestral uses in the region. By forbidding the production, commercialisation and use of substances, these plants turned into attractive raw material to supply illicit markets of growing demand that mainly benefit criminal organisations.

Consequently, the prohibition distorted the use, relegated the cultural legacy and promoted their exploitation to supply the markets. Thus, the plants lost “their natural cycles of circulation.” At the same time, prohibition deprived many indigenous peoples of the region of a vital source of food and exchange.

It is known that a large part of the crops and their production are destined to supply illicit drug markets and that this is the reason why a headlong war has been declared against illicit crops. The multiple benefits these plants also have are unknown. The implementation of repressive measures has brought about collateral damage, irreparable in many cases.

Apart from that, the cannabis and poppy crops that have been traditional since remote times in different parts of the world are not originally from America. However, the cannabis plant has been known and integrated, for several centuries now, into diverse cultures of the continent with well-known religious and traditional uses by Rastafarian cultures in countries like Jamaica and other zones of the Caribbean, where it is given the name of *ganja*.

The poppy arrived most recently on the American continent. Since its arrival and like in other parts of the world, it has been a source of the raw material for numerous analgesics, which nowadays are controlled by the States and produced by pharmaceutical companies.

In other words, the crops of coca, poppy and marijuana have been and still are essential as part of a cultural and religious heritage, and are the sources of products, food and therapeutic alternatives for many peoples in the region. Hence, despite the prohibition, the peoples in the region have continued to grow these plants.

4.4 New approaches and alternatives

The coca leaf cultivators and their representatives in the region want to remind the different States and the United Nations that the growing of the coca plant dates from thousands of years ago in the Andean countries and that it has accompanied the peoples as a source of food and is considered a sacred and ancestral plant with a huge industrialisation potential for the benefit of humanity.

If the regularisation of cannabis, poppy and coca takes place, the transfer of knowledge and skill building is claimed, so that these rural communities can add value to the product and participate in the opportunities and benefits this situation may bring about.

Therefore, civil society urges the States to define a position that moves towards the regularisation of the coca, poppy and cannabis crops; in order to decriminalise farm workers, indigenous people and afro-descendant cultivators, respect the rights of the indigenous populations with a strong foundation on pacts and international conventions; to develop policies based on human, social, cultural and environmental rights over the logic of national security, applying a correct sequence of events that implies that the reduction of crops is a consequence of development and of the States fulfilling their obligations to their citizens.

Experiences like those of Bolivia show that it is possible to regulate crops; improve the quality of life of the cultivators and their families; control the deviation of the coca leaf to illegal markets; vindicate its traditional uses and advance towards the development of productive and industrial schemes with responsibility and within the framework of fair trade.

Social control of the use and scale of coca, marijuana and poppy crops should be matched by the States with measures that generate trust so as to find solutions. For example in Colombia, the cultivators propose to exert social control in exchange for the suspension of the force measures taken by the State.

The structural reforms that reinforce the state presence with security, education, housing, health, roads, and real guarantees for the setting up of sustainable lifestyles in farming communities have been essential in the success of these programmes.

Initiatives in a smaller scale, have taken place in Colombia, Jamaica and Peru that have also been successful as they have been sustained over time. From these countries in the region and others, including Bolivia, a call to the States and the United Nations is made to develop a regulatory framework that acknowledges the rights of the peoples of the region to continue growing their plants, to regulate such production and to ensure the traditional and industrial transformation for the elaboration of derivatives with multiple industrial, medicinal, agricultural and food uses.

Civil society also expresses the need to acknowledge the rights of collective property over the plants and the seeds, given that they are the biological, intellectual and cultural heritage of the peoples of the region. There seems to be special interest in protecting seeds and that the native and hybrid variations of them should not be subjected to certification or national or international patents by big companies.

The creation of educational campaigns of broad scope is suggested along with their application in different environments so as to contribute to removing the stigma surrounding poppies, cannabis plants, and coca leaf, as well as the associated farming communities, producers, users and producing countries.

Last, but not least, the States are urged to advance in the investigation and transfer of knowledge concerning the properties of the plants and exploring their virtues, as has been

done internationally with cannabis; recognising the knowledge held by the original peoples of Latin America.

Civil society demands that the studies are made public, the results of which could support with evidence the demands for diversity of groups in the region.

5. NEW CHALLENGES¹¹

Given that we are concerned because the application of the policies that have been carried out so far in order to face the problem of drugs in the hemisphere has only exacerbated the violence, weakened the rule of law, violated human rights and democratic institutions, we make the following recommendations.

5.1 Main general challenges

1. The greatest challenge lies in the States fully exercising their autonomy as regards drug policies. The dependence on the super powers in terms of co-operation should not restrict them to the uncritical following of foreign policies that do not adjust to the individual realities of the countries of the region.

¹¹ This chapter is the product of the revision of several sources: CSTF survey to civil society in LAC, individual interviews with key informants in: Jamaica, Colombia, Bolivia, Guatemala and Brazil. and the documents quoted below

1. Consulta regional para América Latina y el Caribe 12 y 13 de noviembre del 2007 LIMA – PERU
2. Declaración de los Productores de Coca de los Países Andino Amazónicos de Perú y Bolivia, La Paz, Bolivia 9 de Agosto de 2011
3. RECOMENDACIONES DEL FORO CIVIL "Conectando las Américas: Fortalecimiento de las asociaciones para la acción después de Cartagena" 11 y 12 de abril 2012, SEXTA CUMBRE DE LAS AMÉRICAS "Conectando las Américas: Socios para la Prosperidad", Cartagena, 2012
4. COMISIÓN SOBRE GESTIÓN DE CUMBRES INTERAMERICANAS Y PARTICIPACIÓN DE LA SOCIEDAD CIVIL EN LAS ACTIVIDADES DE LA OEA (CISC). (2013). *Recomendaciones del X Foro Hemisférico de la Sociedad Civil y Actores Sociales "Por una Política Integral de Lucha contra las Drogas en las Américas"*. Washington, 9 y 10 de mayo de 2013.
5. COMISIÓN SOBRE GESTIÓN DE CUMBRES INTERAMERICANAS Y PARTICIPACIÓN DE LA SOCIEDAD CIVIL EN LAS ACTIVIDADES DE LA OEA (CISC). (2013). *Recomendaciones de la sociedad civil y actores sociales: Por una Política Integral Frente al Problema Mundial de las Drogas en las Américas*. Antigua, Guatemala, 4 de junio de 2013.
6. ORGANIZACIÓN DE LOS ESTADOS AMERICANOS (OEA). (2013). *Declaración de Antigua, Guatemala: Por una política integral frente al problema mundial de las drogas en las Américas*. Recomendaciones de la Sociedad Civil y Actores Sociales. Antigua, 7 de julio de 2013. Disponible en: http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=D-010
7. IDPC (2014). *Tratamiento obligatorio en América Latina: una práctica no ética, inhumana e inefectiva*. Febrero 2014.
8. COLECTIVO DE ESTUDIOS DROGAS Y DERECHOS (CEDD). (2014). *En busca de los derechos: Usuarios de drogas y las respuestas estatales en América Latina*. Editoras C. Pérez y C. Youngers (eds.). CEDD. México D.F. Disponible en: http://www.drogasyderecho.org/publicaciones/prop_del/reporte-completo.pdf
9. ASOCIACIÓN COSTARRICENSE PARA EL ESTUDIO E INTERVENCIÓN EN DROGAS (ACEID) et al. (2014). *Aportes de la Sociedad Civil a los Gobiernos con vistas a la Asamblea Extraordinaria sobre el Problema Mundial de las Drogas de OEA del 19 de septiembre de 2014 en la Ciudad de Guatemala*. San José, 2 septiembre de 2014. Disponible en: <http://idpc.net/es/media/press-releases/2014/09/por-un-nuevo-paradigma-en-las-politicas-de-drogas-un-llamado-de-la-sociedad-civil-a-los-estados-de-la-region>
10. CELAC (2014). *Declaración especial sobre la hoja de coca. II Cumbre CELAC, La Habana 2014, 28 y 29 de Enero*.
11. CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) (2015). *El impacto de las políticas de drogas en los derechos humanos. La experiencia del continente americano*. L. Pol y X. Tordini (eds.). Buenos Aires. Disponible en: http://www.cels.org.ar/common/Drogas_web_hojas_simples.pdf
12. CONSTITUYENTE NACIONAL DE CAMPESINOS CULTIVADORES DE COCA, AMAPOLA Y MARIHUANA (CNCCCAM) (2015). *Mandato nacional de los cultivadores de coca, amapola y marihuana*, Disponible en: <http://prensarural.org/spip/spip.php?article17223>
13. UNODC (2015) Informe del Diálogo Latinoamérica, 2015. *Diálogos Regionales sobre Políticas de Drogas y VIH, Sao Paulo, Brasil. 22 y 23 de Junio, 2015*.
14. ABRIENDO EL DEBATE: EL FUTURO DE LA POLÍTICA DE DROGAS EN COLOMBIA. *Diálogo con la sociedad civil sobre las preparaciones de Colombia para la UNGASS 2016*. Bogotá, 18 de septiembre de 2015. Ministerio de Justicia y del Derecho, Ministerio de Salud y Protección Social, Cancillería, Dejusticia, Fundación Ideas para la Paz y UNODC.

2. It is necessary to go over and modify the conventions that have defined the drug policies in the last few decades because they have failed to fulfill their objectives and because they have had collateral and counterproductive effects as regards human rights, public health and an increase in violence.
3. The credibility and legitimacy of the policies derived from the current International Drug Control System have seen themselves weakened. For this reason, the United Nations are urged to move forward towards a new paradigm based on renewed concepts, understanding, and diagnosis of the different manifestations of the phenomena.
4. It is recommended to foster public policies that contribute to reducing the violence associated with the illegal trade and the illicit drug market; as well as the abolition of the militarisation of the agents of control of illicit drug production and trafficking.
5. A necessary step in the definition of drug policies with an emphasis on human rights, public health and social inclusion, is the decriminalisation of the practices that involve populations that are highly vulnerable. It is they who generally constitute the weakest links in the illicit drug trafficking circuit: users, cultivators, small producers, ethnic minorities and small amount dealers.
6. It is equally necessary to debate regarding the effects of the current policies on the costs of drugs for the final consumer. There is no evidence that shows that the high cost of drugs results in a decrease in the consumption rates, on the contrary, they contribute on the strengthening of criminal organisations and black markets.
7. Democratic states should respect the right that people have to choose their lifestyles and actions freely and autonomously, including the use of drugs, without negative effects on the protection of the rights of third parties.
8. It is imperative to recognise the traditional, medicinal and ancestral uses of coca leaf, marijuana and poppies, and allow, without detriment to the penalisation of illicit drug trafficking, their use and artisanal and industrial processing with control and regulation measures in place that impede the deviation of these products to illegal markets.
9. At the same time, it is necessary to protect the property and cultural, biological and intellectual heritage of the traditional peoples of the region over the ancestral and sacred plants, seeds and their derivatives.
10. The plans of action produced by the new conventions and treaties should take into account the structural, political and social causes of issues such as the use of drugs, production and trafficking, as well as associated violence and delinquency.
11. The redistribution of resources that allow for the consolidation of new approaches and objectives of drug policies is necessary. Until now, a disproportionate investment has been made to support actions that have not been successful and actions that have proved to be more efficient have been put aside, for example, risk and harm reduction.

12. The policies inspired by the new approaches will have to consider the collateral effects of their implementation at all times and define mechanisms for their measurement, monitoring, prevention and mitigation.
13. The application of more humanitarian approaches in drug policies also requires a renovation and adjustment of the indicators by which their success or failure have been traditionally measured. The new approaches on public health, human rights, social inclusion, integral and sustainable social development, and the unwanted effects of public policies require indicators that show the reduction of negative consequences and the impact of the use of drugs on health as well as the impact of actions derived from public policies on human rights, violence, stigmatisation, discrimination and social inclusion.
14. It is important that countries can exert their autonomy, innovate and implement new appraisals in terms of illicit drugs, including the regulation of markets, of use and harm reduction, without detriment to international law and without the possibility of retaliation on the part of the international community.
15. It is desirable that drug policies from now on create transparent and effective mechanisms that ensure the active participation of civil society, social agents, NGOs, drug users and cultivators, in decision-making processes, design, implementation and evaluation of actions. For all the above mentioned, it is vital that the states acknowledge their role as social service and health providers and as generators of evidence, when it comes to making sure of the efficiency of the implementation of drug policies.
16. It is essential to systematise, make visible, spread and promote good practices in drug policies and allow for conditions to innovate in this field, with mechanisms of sustainability and efficiency evaluation in the long term.
17. Innovative programmes and projects that are considered significant experiences should stop being isolated efforts that cannot be sustained in time, consolidated, scaled up or able to contribute to public policies and to the construction of a body of evidence on this issue.
18. It is necessary to strengthen the participation and renew the role of the different United Nations agencies, the mission objectives of which could bring about an improvement in actions when it comes to illicit drugs, among them there are: UNDP, UNAIDS, UNICEF, WHO, FAO, UNESCO and WTO. At the same time, it is recommended that the UNODC not only reviews their position in accordance with the new approaches, but also reinforces the inter-agency dialogue to make sure there is coherence in the actions that are promoted and supported by the United Nations System.

In the following section the identified challenges in each one of the areas of analysis are presented.

5.2 Main challenges as regards health and drugs.

1. The consolidation of the approach on public health, with emphasis on social causes, requires that the action taken by the states guarantees the right to health of the people who use drugs. All this, starting from the strengthening of the health systems, the role of basic health care and the community based services, with the maximum resources available.
2. The actions should include proximity to the people who use drugs in their natural environment, as well as risk and harm reduction linked with preventive actions and services regarding the use of drugs.
3. The main challenge of the states of the region is to guarantee the best health conditions possible and respect the human rights, comprehensive and quality care to the people who use drugs. It is necessary to acknowledge that care for drug users should be voluntary and within it there should not be any coercive, punitive or forced interventions that act against human dignity.
4. This implies designing and putting into action functional mechanisms that allow the regulation and auditing of the quality of the prevention, health services, risk and harm reduction, treatment, rehabilitation and social inclusion; as well as to ability to sanction and eliminate any treatment or service that goes against human rights conventions or that lead to the abuse or exploitation of the people who use drugs.
5. To diversify the alternatives of comprehensive care with differentiated approaches that respond to the diverse circumstances, needs and preferences of the individual who uses drugs and that the existence of recreational and non-problematic consumption are acknowledged.
6. To develop mechanisms of monitoring and citizen participation for the reduction of the stigma and discrimination against the people who use drugs and to guarantee their fundamental rights.
7. To allow and foster innovation and exploration of new alternatives for the prevention of drug consumption, and care of the consumer, respecting their human rights.
8. To promote the connection of the State, civil society, academic and scientific associations, in order to promote research and evaluation, and thus generate evidence to help decision-making in the framework of drug policies.
9. To promote and explicitly integrate risk and harm reduction as a cost-effective approach and to develop consequent actions with the patterns of use prevalent in the region, responding to the different forms of consumption of the different substances: smoked, inhaled and injected.

10. To build joint agendas that allow for the prioritisation of the people who use drugs in the activities of prevention, treatment and sufficient access to treatment for HIV, TB and viral hepatitis, explicitly including this population among the key groups to give priority.
11. To incorporate actions of comprehensive care, prevention, risk and harm reduction, treatment, rehabilitation and social inclusion to the national and subnational budgets, considering the development of civil society and that of the community-based organisations.
12. It is necessary for the states to understand that conventions are flexible and that it is possible to overcome the current restrictions and develop mechanisms to regulate and ensure access to controlled medications and cannabis, coca leaf and poppies as existing therapeutic alternatives.
13. To ensure the protection of young people, the states will have to invest in health promotion and prevention actions as well as the strengthening of mechanisms that limit the deviation of regulated and controlled products to recreational ends and abuse (this includes mechanisms to control the access to volatile substances or other products of potential abuse by young people).

5.3 Main challenges as regards drugs and crime

1. The states should incorporate an integral security approach that goes beyond the action of the public and the military force, and contemplates the political, economic, social, cultural and environmental dimensions of the phenomenon and its diverse manifestations.
2. The states of the region should begin or reinforce social policies that strengthen democracy, the citizen participation and try to overcome the high rates in inequity, social exclusion and structural poverty that contribute to escalating violence, vulnerability and involvement in illicit drug markets.
3. It is recommended to decriminalise drug consumption, private cultivation and the possession of drugs for personal use. It is necessary to separate the use of drugs from the penal field.
4. It is recommended that the region uses its experiences concerning the regulation of drug markets which are currently declared illicit, exercising the autonomy of the state as regards drug policies, independent from the size of the countries and the regions.
5. Legal systems should give effective, fair and humanitarian answers in the face of crime, always adhering to the principles of legality, innocence, proportion and minimum intervention of penal law, and in particular the use of prisons.

6. The states will have to make efforts to review the disproportional sentences and define clear normative frameworks that impede a discretionary application of laws on drugs and eliminate the public and military force abuses of people who use drugs and the territories that concentrate highly vulnerable populations, socially and economically speaking, to avoid the added violation of fundamental rights, stigma and discrimination.
7. To recognise that the specific and derived problems stemming from the production, trafficking and commercialisation of drugs belong to the field of citizen security and that of environmental protection, not to that of national defence.
8. It is urgent that alternatives to imprisonment are explored when it comes to minor, non-violent crimes and that an improvement in the prison conditions and humanitarian treatment is ensured, in order to mitigate the impact on highly vulnerable groups, minorities, afro-descendants, adolescents, young people and women.
9. To improve the capacity of the police bodies and the legal systems with technical and financial support to adequately respond to the challenge of the illicit drug markets in all their forms, including transnational organised crime.
10. To ensure the access to justice for all people, according to the standards of the International and Interamerican Human Rights System.
11. To promote the reduction of the stigma and the discrimination against the people who use drugs, cultivators and dealers who integrate the weakest links of the illicit drug market circuit.
12. The countries of the region are urged to strengthen horizontal cooperation and joint actions as well as to reinforce the capacity of the state to investigate, track, register and persecute criminals involved in the illicit trafficking of weapons and ammunitions; To thus control the deviation and trafficking of weapons to criminal organisations, the population in general and other countries of the region.

5.4 Main challenges as regards drugs and human rights

1. The consolidation of an approach on human rights requires not only a change in the punitive paradigm, but also the creation of mechanisms that monitor, regulate and control the main sources of rights violation in the fields of health, public force action, lack of proportion and an increase in sentences, prisons and reinforcement of legal guarantees.

2. On the other hand, the consolidation of a social inclusion approach in drug policies requires the acknowledgement of vulnerability factors that limit the social development of large sectors of the region and reduce inequality, inequity and social exclusion in order to build sustainable livelihoods.
3. Each and every action of the government must be directed to the fulfilment of the obligations of the states as regards human rights, understanding that those actions prevail over the conventions on illicit drugs.
4. The states are urged to call for a permanent process, as part of the mechanisms of observance of the guarantees of human rights to supervise and evaluate the impact of the Monitoring and Illicit Drug Control System, with special attention to highly vulnerable groups of people, such as those who are in prison, women, minorities, and young people.
5. It is recommended to foster the active participation of groups in vulnerable conditions (women, youth and agricultural cultivators), who have been affected by the current drug policies, particularly those who use drugs.

5.5 Main challenges as regards integral, social and sustainable development

1. The greatest challenge lies in the states exerting their autonomy and acknowledging the autonomy of the traditional peoples of the region, without detriment to their international commitments and international law.
2. To advance in the development of policies of social, integral and sustainable development that protect and foster the cultural heritage of the peoples, their civil and food security, subsistence sources, public health and the environment.
3. Structural reforms must be included as well as a greater presence of the state in territories that concentrate highly vulnerable populations, at risk of getting involved in activities of cultivation and production of "illicit" substances, making sure these people have means to survive, crops, quality of life and social welfare.
4. To substitute the policies: "zero coca", "forced eradication", "fumigations", "crop substitution", and "alternative development" for policies that foster the integral and sustainable development of alternative and farmer economies, in dialogue with the cultivators, social organisations and local governments.
5. To advance in the regulation of cannabis, poppy and coca leaf, in order to achieve the transfer of knowledge and the building of skills for rural communities to add value to said crops and participate in the opportunities and benefits they can bring about.

6. To achieve cooperation among the states to advance in research and transfer of knowledge as regards the properties of the plants as well as the exploration of their virtues, as has been done with cannabis on an international level; recognising the knowledge generated by the ancestral peoples of Latin America.
7. To protect the monopoly and patents, the property of the peoples over intellectual, cultural and biological heritage of the native and *hybrid* seeds.
8. To advance the process of decriminalisation and destigmatisation as regards the farmers, indigenous and afro-descendant cultivators.
9. To respect the rights of indigenous populations based on pacts and international conventions.
10. To develop policies founded in the human, social, cultural and environmental rights over the logic of national security, applying a correct sequence which implies that a reduction of crops as a consequence of the development and fulfilment of the state's obligations with their citizens.
11. To open up an informed debate, based on evidence that allows for the vindication of the use of sacred plants with traditional, religious, medicinal, industrial, agricultural and food uses.