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**Follow-up to the special session of the General
Assembly on the world drug problem held in 2016,
including the seven thematic areas of the outcome
document of the special session****Statement submitted by Corporación Acción Técnica Social
(ATS)****

The Secretary-General has received the following paper, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Criminalization and Persecution versus Health and Development: The Way Forward

Colombia and Mexico have played a key role in international drug policy. Their status as producer countries, and the consequences that the fight against drugs has had on the rights of citizens, make both countries legitimate advocates for the need to a new approach to current drug policies.

Colombia

The peace agreement signed between the Colombian government and the FARC in 2016 was a major breakthrough in reducing violence, yet drug market operations have continued to claim lives. The high prevalence of violent deaths has remained steady in the country's major cities and is linked to areas disputed by criminal organizations and the existence of illegal markets.¹ Deaths related to the production and commercialization of drugs have had differing impacts on the people that support the Comprehensive National Program for the Substitution of Illicit Crops (PNIS). In the last two years, 64 leaders involved in the program have been murdered.² The security situation in coca growing municipalities is also marked by armed groups, social control and violence. During the beginning of 2018, murders increased by 40 per cent in comparison with the same period in 2017.³

According to Ministry of Health figures from 2013, the prevalence of illegal substance use has increased in recent years: from 1.6 per cent in 1997, to 2.7 per cent in 2008 and 3.6 per cent in 2013.⁴ Within drug demand policy, substances like crack cocaine (cocaine base paste) have a greater impact on public health and vulnerable groups such as homeless people, and programs are still pending including gender-focused programs in support of female users. Furthermore, healthcare and the risk and harm reduction programs remain inadequate, and the programs have lost continuity and budget. The offer of specialized treatment services is non-existent in 95 per cent of Colombian municipalities.⁵

Up to July 31, 2018, 24,954 people were imprisoned in the country's prisons for drug trafficking offences, of which 14,536 were convicted for committing a single crime. 6,864 were convicted of other drug-related crimes, 61.6 per cent were prosecuted for a total of two drug-trafficking offences, 17.5 per cent for a total of three and 5.6 per cent for a total of four.⁶

The PNIS aim to replace crops with productive projects that will ensure a legal economy for the 83,161 families that have enrolled in the program. 58 per cent of municipalities where coca is present have poor connectivity, which means that they

¹ "Así se concentran los homicidios" (How murders are distributed). *Fundación Ideas para la Paz, Instinto de Vida* and *El Espectador*. Available at: https://www.elespectador.com/static_specials/46/homicidio-en-las-ciudades/index.html.

² As of December 21st 2018 63 murders had been recorded; the last was recorded on January 4th 2019: <https://colombia2020.elespectador.com/territorio/el-riesgo-extremo-de-querer-sustituir-coca>.

³ See: *Fundación Ideas para la Paz*. 2018. "¿En qué va la sustitución de cultivos ilícitos? Desafíos y recomendaciones para el nuevo gobierno" (What's happening with the replacement of illicit crops? Challenges and recommendations for the new government). Report 05. Bogota. Available at: http://ideaspaz.org/media/website/FIP_sustitucion_vol5.pdf.

⁴ See: *Estudio nacional de consumo de sustancias psicoactivas en Colombia 2013* (National study on the use of psychoactive substances in Colombia, 2013). Available at: https://www.unodc.org/documents/colombia/2014/Julio/Estudio_de_Consumo_UNODC.pdf.

⁵ "Estudio de evaluación y diagnóstico situacional de los servicios de tratamiento al consumidor de sustancias psicoactivas en Colombia 2016" (Evaluation and situational diagnosis of psychoactive substance users treatment services in Colombia 2016). Available at: http://www.odc.gov.co/Portals/1/publicaciones/pdf/consumo/estudios/nacionales/CO034492016_estudio_evaluacion_diagnostico_servicios_tratamiento_consumidor_sustancias.pdf.

⁶ Colombian Drug Observatory: <http://www.odc.gov.co/sidco/Consulta/Criminalidad/Poblaci%C3%B3n-Carcelaria>.

have no roads to facilitate the commercialization of products.⁷ Families continue to comply, according to the UNODC mission which verifies the fulfilment of the commitments signed. The indicator regarding families that replant after voluntarily eradicated is equivalent to just 0.6 per cent.⁸

In 2010, supply reduction had the most resources with COP\$1.2tn (64.2 per cent), followed by legal and institutional strengthening with COP\$0.4tn (25.7 per cent), alternative development with COP\$0.1tn (5.5 per cent) and demand reduction with COP\$0.08tn (4.1 per cent). In this regard, priorities have been focused on reducing crops through forced eradication, a policy that has proven ineffective and violates people's rights. Between 1994 and 2015 in Colombia, nearly 1.9 million hectares were aerially sprayed, and lawsuits against the state for health damages due to said spraying totalled 1.7 trillion Colombian pesos.⁹

Mexico

The militarization and frontal combat against drugs that began in 2006 has resulted in a humanitarian crisis, increasing armed violence and human rights violations. Between 2006 and 2012 the number of violations committed by both private individuals and state agents, have included extrajudicial executions, forced disappearances, torture, displacement and forced recruitment, in addition to hundreds of clandestine mass graves.

Twenty-eight operations carried out by the Secretariat of National Defense (SEDENA) and 12,744 by the Secretariat of the Navy were recorded in 2007. These figures rose to 71 and 16,543 respectively in 2011.¹⁰ In parallel, the number of complaints received by the National Human Rights Commission (CNDH) regarding human rights violations committed by said agencies increased by 831 per cent for SEDENA and 1,962 per cent for the Secretariat of the Navy.¹¹

This strategy continued between 2012 and 2018, and security policy deployed 212,107 military personnel across Mexico between 2012 and 2017. According to the National Institute of Statistics and Geography and the National System of Public Security, 114,061 murders were recorded up to last October. August 2018, in which nearly 3,000 people were murdered, was considered the most violent month of the last 20 years.¹² In terms of forced disappearance, as of late 2017, 35,000 people were

⁷ See: National Planning Department. 2016. *Narcomenudeo en Colombia: una transformación de la economía criminal* (Small-scale drug trafficking in Colombia: a transformation of the criminal economy). Available at: <https://www.dnp.gov.co/Paginas/Narcomenudeo,-un-lucrativo-negocio-que-mueve-6-billonesde%20pesos%20anuales.aspx>.

⁸ UNODC. *Informe ejecutivo consolidado no. 16. Monitoreo y verificación de compromisos de Sustitución de Cultivos Ilícitos. Fecha de corte: 31 de enero de 2019* (Executive and consolidated report no. 16. Monitoring and verification of commitments to replace illicit crops. Cut-off date: January 31, 2019).

⁹ FIP-Fedesarrollo, Rico, D. and Zapata, J. 2018. *Informe del gasto del gobierno de Colombia en lucha antidrogas 2013–2015* (Report on Colombian government spending on the fight against drugs, 2013–2015), p. 28. Bogota: FIP-Fedesarrollo. Available at: <https://www.repository.fedesarrollo.org.co/handle/11445/3609>.

¹⁰ Pérez Correa, Catalina. "México 2006–2012: Una revisión de la violencia y el sistema de justicia penal" (Mexico 2006–2012: a review of violence and the criminal justice system). *Derecho en Acción* (Law in action) blog. CIDE, December 8th, 2015. Available at: <http://derechoenaccion.cide.edu/mexico-2006-2012-una-revision-de-la-violencia-y-el-sistema-de-justicia-penal/>.

¹¹ Pérez Correa, Catalina. "México 2006–2012: Una revisión de la violencia y el sistema de justicia penal" (Mexico 2006–2012: a review of violence and the criminal justice system). *Derecho en Acción* (Law in action) blog. CIDE, December 8th, 2015. Available at: <http://derechoenaccion.cide.edu/mexico-2006-2012-una-revision-de-la-violencia-y-el-sistema-de-justicia-penal/>.

¹² The highest murder rate since records began was recorded in 2017. *El Economista*, July 30th, 2018. Murders claim 22,000 victims in 2018 and the most violent August in 20 years is recorded. *Animal Político*, September 21st 2018.

recorded missing.¹³ The CNDH made public the discovery of 1,307 clandestine graves in the country. On top of these violations, 310,527 people were forcibly displaced as a result of the violence.¹⁴

Militarization has gone hand in hand with a punitive approach that has had a differentiated impact on women. In the last two years the number of women imprisoned has increased by 103.3 per cent. In 2014, 940 women were jailed for small-scale drug trafficking offences, compared with 1,617 in 2015 and 1,911 in 2016.¹⁵

This militarization strategy has not been effective. Heroin production has become a key activity within drug-trafficking operations; according to UNODC data published in 2015, Mexico is the world's third-largest illegal producer of this plant, representing 9 per cent of poppy cultivation with an average of 28,000 hectares.¹⁶ In that sense, poppy cultivation has become the livelihood for thousands of families in different regions of the country.

Recommendations

Armed forces in public security tasks and the fight against drugs has had negative consequences. States must make a concerted effort to strengthen civil authorities and design peacebuilding strategies that help to reduce violence.

It is necessary to implement policies that will ensure that drug users can access health and information services to guarantee responsible use, harm reduction and specialized rehabilitation treatments with a focus on rights.

National strategies to combat drug trafficking should aim for measures other than imprisonment for those who produce and traffic, in particular when dealing with traditionally discriminated groups.

Crop replacement programs and policies should be focused on a voluntary model, with the goal of providing quality of life for communities. Development, ensuring the rights of the cultivating population and fulfilment of the Sustainable Development Goals should be the cornerstone to achieve a comprehensive replacement policy.

Supporting the statement:

Elementa DDHH, Dejusticia, FES Colombia, OCCDI, Instituto RIA.

¹³ In five years with Peña Nieto, 10,000 more disappeared people than with Calderón. *La Jornada*, December 3rd 2017.

¹⁴ CMDPDH. Forced displacement in Mexico. Available at: <http://cmdpdh.org/temas/desplazamiento-interno/>.

¹⁵ *Política de drogas, género y encarcelamiento: una guía para políticas públicas incluyentes* (Drugs, gender and imprisonment policy: a guide for inclusive public policies). EQUIS, 2018, p.10. See also: the life stories of the women imprisoned for drug crimes, at: <http://equis.org.mx/encarcelamiento-y-mujeres/>.

¹⁶ UNODC. Mexico. *Monitoreo de cultivos de amapola* (Monitoring poppy cultivation) (2014–2015). Published in June 2016. Available at: <https://www.unodc.org/documents/crop-monitoring/Mexico/Mexico-Monitoreo-Cultivos-Amapola-2014-2015-LowR.pdf>.