



PERU: DRUG POLICIES AND HUMAN RIGHTS EFFECTS (1975/2015).

Since 2009, CIDDH has been working on identifying strategic “bottlenecks” regarding the implementation of Drug policies in Peru and Latin America, in order to promote specific changes on the excessive use of disproportionate criminal policies, and promote improved Human Rights standards and the Rule of Law.

In 2010, Peru was considered the world’s main coca and cocaine paste producer (UN, State Department): 49,000 coca hectares and approximately 310 metric tons of cocaine each year. Despite being a loyal follower of international treaties and antinarcotics strategies, different governments (2000/2015) have not been able to identify and confront the main roots of coca production, trafficking and problematic use. That is, extreme poverty in the Upper Jungle, lack of opportunities for rural population, unequal wealth distribution and failed policies on land, development and security. In the last 30 years, we have been subordinated to the influence of US approach on drugs, policies and budgets: we have accomplished every annual standard and goal on forced crop eradication, but the situation hasn’t improved because there is crucial “timing” problem between supply reduction, crop eradication and alternative development policies.

From 1975 onwards, Peruvian governments have approved several laws targeting new drug related offenses, special drug courts, increasing penalties, reducing penitentiary benefits for prison inmates, chemical precursor trafficking, as well as money laundering.

One of the most dramatic contradictions applies to possession of small amounts of drugs for personal use (8 grs of cannabis, 2 grs of cocaine in Peru). Art 299 of 1991 Peruvian Criminal Code states that possession of small amounts of drugs for personal use *is not an offense*; but, each year, almost 60% of Police detentions for drug-related offenses target drug users. CIDDH has a hot line that responds and registries in a daily basis, individual cases of illegal detentions and frequent intentions of bribery, by Police.

During the Fujimori administration (1990-2000), Peru suffered difficult experiences related to politics and military corruption linked to drug trafficking activities. Since then, Peru's democracy has been able to cope with this situation. Nevertheless, in the last years, the institutional situation of Peru has severely deteriorated. In December 2014, a special Inquiry Commission was established by the Peruvian Congress, with the objective of investigating the relations between Politics and Drug Trafficking: almost 30 recently elected authorities, from mayors, regional governors, congressmen and well-known politicians, will be investigated because they have ongoing Police or Prosecutor investigations, undeclared and unjustified wealth.

The two most important coca producing areas, Upper Huallaga and VRAEM, have witnessed the violence coming both, from the war between terrorists and the State, and the consequences of a brutal war drug which has concentrated on the weakest actors: peasants, unemployed, young people and indigenous people.

The 1993 Constitution as well as Regional and International Human Rights treaties have stated that this exceptional condition, which allows the suspension of certain human rights, should be temporal. But both, the Upper Huallaga and VRAEM coca producing regions have been in a permanent "state of emergency" since the 90s, for security

reasons. This condition has facilitated over militarization, US military presence, consistent human rights abuses, and the weakening of the Rule of Law, in the name of the fights against Shining Path subversive activities linked to drug traffickers.

Finally, the burden given by politicians to the criminal system (Police, Prosecutor's Office and Judiciary system) in order to solve all the problems related to citizen security and drugs, has become a nightmare. It has originated extended corruption in Police stations accompanied by high inefficiency, extreme judicial delay and prison overcrowding. A decade ago, drug offenses came in fourth place; nowadays, it is the second reason for being in prison.

In conclusion, as a Peruvian NGO, CIDDH considers extremely important to feed the UNGASS strategic debate on a particular national experience where, the application of failed drug policies have deteriorated Human Rights situation in different aspects and this is an issue that should be on the mind of UN agencies and national delegations.

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