

Open Letter to the Governments of the region present in the OAS General Assembly

Antigua, Guatemala - June 2013

It is urgent to protect human rights at the center of the debate on drug policy in the Americas

The undersigned organizations welcome the open debate on drug policies that have driven some countries of Latin America in recent months. General Assembly to be held in the former will be an opportunity to discuss the limits and harms of existing policies and the possible adoption of alternatives.

In recent years it has become even more evident the need to discuss the scope and relevance of drug policy adopted in each of the countries of the Americas, as empirical evidence has emerged solid, broad and diverse that such policies are ineffective and have serious negative effects, especially if they are analyzed from a human rights perspective. Prohibitionist policies and the war on drugs have intensified violent conflict in the region, to create a huge illegal market controlled by complex criminal organizations. These conflicts are generally located in impoverished areas, further deepening the deterioration of living conditions and stigmatization of its inhabitants.

In our capacity as organizations promoting respect and effective guarantee of human rights we want to emphasize that the review of drug policy in the region is necessary both empirical and normative reasons.

From an empirical, evidence-based research, increasingly clearly show that drug policies are having a negative impact on human rights in the region. On the one hand, tend to repressive policies directly violate human rights of thousands of people, especially those that their redress, often without the basic criminal guarantees compliance, and those who are sent to jail, as they often face inhumane conditions, such as those associated with overcrowding. These policies tend to have disproportionate impacts on certain groups, especially vulnerable and in that way, and end breed discrimination violating fundamental rights.

Moreover, prohibitionist policies have contributed to the formation of armed groups engaged in criminal activity that stands between drug trafficking and violent phenomena that produce important and in this way affect the rights of people in the Americas. Because violence is the primary form of illegal market regulation, trafficking of prohibited substances is necessarily accompanied by the traffic in arms, fighting for territories, corruption and undermining democratic institutions, especially the police, the justice and government institutions. The revision of the paradigm of the 'war on drugs' should be seen as part of an initiative to reduce violence.

From a policy perspective it is also clear today that the international human rights obligations should prevail over those who have acquired on psychoactive substances prohibited or controlled. This is due to international commitments in human rights law ranks higher, as the duty of states to respect human rights is a mandate that is based in the United Nations Charter, a treaty that predominates over any another convention, and also the principle of the duty of states to respect human rights has been considered by many as a standard indoctrinators *ius cogens* or peremptory norm of international law, which does not support an agreement to the contrary. Therefore, the international drug law should be understood and interpreted, and if necessary adapted, in a manner

that is consistent with international human rights obligations. The guiding principle of policy should always be centered on the citizen, and the protection of their rights.

This model has served to broaden prohibitionist social gaps, economic inequities, political differences and international asymmetries. Specific and effective practices of states show that the international regime around drugs has not changed in the century that has elapsed since its initial configuration. Importantly, this regimen as rigid a critical juncture for both its credibility and its legitimacy are seriously eroded.

Therefore, we call on the governments of the Americas to strengthen their commitments to human rights against drug policy, and to that extent, discuss and rethink existing initiatives, in order to place human rights in the center of the debate.

Signed:

1. A.C. y Cultura Joven A.C., México
2. Acción Técnica Social (ATS), Colombia
3. American Civil Liberties Union (ACLU), Estados Unidos
4. Associação Brasileira de Saúde Coletiva (ABRASCO), Brasil
5. Associação Brasileira de Saúde Mental (ABRASME), Brasil
6. Asociación Civil por el Derecho a la Salud, Argentina
7. Associação pela Reforma Prisional (ARP), Brasil
8. Asociación Pro Derechos Humanos (APRODEH), Perú
9. Canadian Civil Liberties Association (CCLA) – Canadá
10. Canadian Drug Policy Coalition, Canadá
11. Centro de Análisis Forense y Ciencias Aplicadas (CAFCA), Guatemala
12. Centro Brasileiro de Estudos de Saúde (CEBES), Brasil
13. Centro Cáritas de formación para la atención de las farmacodependencias y situaciones críticas asociadas, Mexico
14. Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), México.
15. Centro de Derechos Humanos de la Montaña “Tlachinollan”, México
16. Centro de Direitos Econômicos e Sociais (CDES), Brasil
17. Centro de Estudios Legales y Sociales (CELS), Argentina
18. Centro de Estudos de Segurança e Cidadania da Universidade Cândido Mendes, Brasil
19. Centro de Investigación Drogas y Derechos Humanos (CIDDH), Perú.
20. Colectivo por una Política Integral de Drogas (CUPIHD), México
21. Comisión Colombiana de Juristas, Colombia
22. Comité de Familiares de Detenidos-Desaparecidos (COFADEH), Honduras
23. Conectas Direitos Humanos, Brasil
24. Consorcio Internacional sobre Políticas de drogas (IDPC)
25. Coordinadora de Derechos Humanos del Paraguay (CODEHUPY), Paraguay
26. Coordinación Nacional de Organizaciones de Mujeres Trabajadoras Rurales e Indígenas (CONAMURI), Paraguay
27. Corporación Humanas, Colombia
28. Corporación Humanas, Chile
29. Dejusticia – Centro de Estudios de Derecho, Justicia y Sociedad, Colombia
30. Drug Policy Alliance (DPA), Estados Unidos
31. Due Process of Law Foundation (DPLF)
32. Espolea Asociación Civil, México
33. Fundación Myrna Mack, Guatemala
34. Fundar, México

35. Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP), Brasil
36. Harm Reduction Coalition (HRC), Estados Unidos
37. Intercambios Asociación Civil, Argentina
38. [Instituto de Defesa do Direito de Defesa \(IDDD\)](#), Brasil
39. Instituto de Defensa Legal (IDL), Perú
40. Instituto de Estudios Legales y Sociales del Uruguay (IELSUR), Uruguay
41. Justiça Global, Brasil
42. México Unido contra la Delincuencia (MUCD), México
43. Movimiento de Mujeres por la Paz Visitación Padilla, Honduras
44. Movimento Nacional da Luta Antimanicomial (MNLA), Brasil
45. Observatorio de Derechos Humanos de Pueblos Indígenas, Argentina
46. Observatorio de Derechos Humanos de Rio Negro, Argentina
47. Oficina de Washington para Latinoamérica (WOLA), Estados Unidos
48. Plataforma Dhesca Brasil
49. Psicotropicus, Brasil
50. Puente, Investigación y Enlace (PIE), Bolivia
51. Red Andina de Información, Bolivia
52. Red Chilena de Reducción de Daños, Chile.
53. Tierraviva, Paraguay
54. Transnational Institute (TNI)