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Just Say No: The Drug War, Human Rights, and Policy Reform

Tuesday, July 12, 2011, 3:30- 5:00pm

Session Organizer:

Hilda Velga, The Libra Foundation

Facilitator:

Ethan Nadelmann, Executive Director, Drug Policy Alliance

Panelists:

Suzanne Gollin, President, Angelica Foundation, Ana Paula Hernandez, Consultant in Drug Policy and Human Rights, Co-Founder of the Collective for an Integrated Drug Policy

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To understand the global perspective, need to take a look at what is going on in drug policy around the world. Look at case of Mexico (unique in some respects but not in others).

Drug users are criminals and punishable (users of memphetamines, marijuana, etc.) This in essence is the war on drugs. Only permissible relationship is of abstinence, sobriety – zero tolerance and limits public health measures to limit harms of drug use. 100 years ago when these drugs were legal, alcohol etc was illegal. There have been evolutions in what drugs can and cannot be legal. There is a widely held presumption that marijuana etc. is more harmful than alcohol although there is no scientific basis for this presumption.

How and why is it that certain drugs treated first and foremost as criminal problems, others are health/legal issues to be taxed and regulated? This has nothing to do with harm of substance, but who used those substances and who is perceived to take those substances.

In 1870s the consumers of opiates were middle-aged white woman. They took it for aches and pains – nobody thought about criminalizing this. When the population shifted to Chinese immigrants – that's when you got the 1st prohibition laws in the

US, and subsequently the first anti marijuana laws were directed at Mexican migrants. There was a fear of what dark skinned people would do to our white women and children. There was a clear line to differentiate between white-white Americans and other white Americans. But this is not just unique to the US, there is a similar occurrence even in the history of UK, Australia etc.

Cocoa leaves were included in anti drug convention, a totally prohibited substance because of discrimination as opposed to a result scientific finding. It was about lighter skinned Latino Americans saying this must be illegal – inferior classes taking it –keeping our people down. But they were not thinking through the negative consequences. Each one of these substances is part of global commodities market (as long as demand there will be supply) – accepting fact and reality that you cannot stop demand especially amongst those who are addicted.

Need to translate the way we deal with drugs in global society because it has become a problem for security and criminal justice systems. More and more seen as issue of human rights – drug user and drug producer and how law enforcement deals with it.

Asia: drug detention centers – “treatment” centers – are prison camps. People are tortured to become drug free. They continue to be kept in system because unable and unwilling to abstain from substances. Drug traffickers

US: There are 2.3 million people behind bars in US – first per capita incarceration of citizens. Even though our nonviolent crimes etc. are not as much as in other countries, we are off the charts in putting people behind bars. No democratic society in history locks up people as much as US

Growing movement to transform the way we deal with this stuff. Emerging all over the world. Open Society Foundations have been major donor - others as well. There is a moral legitimacy we have not seen before but what we need is for grassroots and grassroots to change this.

Ana Paula Hernandez: Began working in mountainous, indigenous part of Mexico – and saw what was happening with regard to militarization that had been going on for decades (since 70s) and realized that it had to do with poppies in that region where marijuana cultivation was a means of survival for poor farmers. Consequences of militarization resulted in human rights violations. The link between HR and drug policy is that cultivation is now highly criminalized and unfortunately the farmers are the weakest link in drug production and trafficking.

In declaration of war there are protections that can be provided for civil society. In this case, there are no protection because undeclared war. There are also future consequences of the drug war. 50,000 have been killed since 2006 in drug war. Grave violations committed by Mexican security forces, police etc. Human rights organizations in Mexico are documenting this. Mexico recently had cases go before

the Inter American Human Rights court and the most recent case had to do with forced disappearances by Mexican army. The military must be held accountable because this has become a key human rights issue.

Another human rights issue has to do with police reform, including civilian security forces and not just military forces. The labor rights of the police force are also violated and this is a key weakness of Mexican institution. There needs to be a democratic police force that takes the police into account also as subjects of rights.

It is important to support civil society initiatives in Mexico and across Latin America. It has become a human rights issue also because the drug war has brought constitutional problems – such as arbitrary detention that has been legalized (based on suspected of organized crime). It was incorporated into constitution in 2008. Torture can occur during detention and this is against due process rights. Judicial reform is fundamental aspect that needs to be strengthened.

Suzanne Gollin: Human rights abuses skyrocketed when drug war came in. In Mexico, grantees did not have concept that drug policies can be debated and reformed but it is time for drug policy to change. There was no drug policy alliance but how do you make one? What is needed is an advocacy strategy within Mexico context – seed grant from Open Society Foundation that laid down highways for drug policy reform all over US and now Mexico. The influence of Open Society Foundations in the world cannot be underestimated. There needs to be a theory of Change, especially at this crucible of where human rights meets drug reform policy. There also need to be change at grassroots; Open Society Foundation engineering culture shift; A convening to bring forward international leaders that call out failures of war on drugs...

Met NGOs in Chihuahua but want to cover more border states – what was situational-ly appropriate way to resist. Map healthy organizations across human rights spectrum and strengthened them. Be flexible. Good grantmaking strategy shows true face of victim.

Questions and Answers:

(Q) For Suzanne: When working on very marginalized issue that people are afraid to talk about – how much of an investment have they made and how much is necessary to see a difference and measure the difference? How do you figure out ratio?

(A) Suzanne: We did not make that analysis, because we did not want to sacrifice traditional human rights funding. We have 10 year relationships of building indigenous networks, environmental struggles, women's groups and did not want to abandon that in favor of this. No calculus on how much will solve the problem. Make change, have drug policy alliance org – beyond what they could promise. When Open Society Foundation came in – quarter million grant in 1st year and then renews

– if couple million dollar budget for organization to lay infrastructure you could do some serious good. What they are doing is seeding conversation and introducing to grantees that it is ok to put drug policy on the table too.

Don: Complicated dynamics in Mexico – weak institutions. What are human rights violations being perpetrated and who is perpetrating them? How does it compare to before?

(A): Mexico has always had history of HR violations – forced disappearances, arbitrary detention and it is as strong now as it was back then. In the past, it was clear that it was government but now it is undeniable that some violations are perpetrated by cartels and organized crimes. We do have forced disappearances. Not just cartels or organized crime but the Mexican government and security forces also play role.

There are immediate things that government can do to lessen violations and improve situation such as getting the military off the street.

Gun violence is also on the rise with gun shops on border and the exporting of arsenals which are directly tied to the groups – it is an intractable north American problem that is linked to the politics of 2nd amendment. No screening right now. US should do something about the guns.

Laws are not up to omnipotence of force they are trying to counteract like for example, catapulting bails of marijuana across the border. There is not one single thing that will completely diminish the violence etc. the gun issue is very important.

(Q) Shari Turitz: What is the traction for idea of legalization within Mexico?

(A): There was some traction last year around proposition 19 where Mexican intellectuals came out in favor of legalizing marijuana. But there is a need for importance of having honest debate on issue which has not happened. We need to have a debate. Not a lot of info – very moralistic society and majority of arguments are about morals. Comes from ignorance such as the slogan of Mexican government saying drugs will not reach your children.

(Q) Emily Martinez: What are they doing in communities to get their voices to be heard?

(A) : Justice Initiative and MacArthur Foundation – angelica supporting. Right wing progressive grassroots came together to stop law.