

Guadalajara Declaration: The Time is Now

According to the United Nations, there are five key “unintended consequences” that have emerged due to the prohibition of drugs, including: a criminal black market that destabilizes countries, generates violence and incarcerates millions of people each year; a punitive-based approach, rather than one focused on public health; the balloon effect, during which the cultivation, traffic or consumption of substances are displaced from one territory to another, but the production, traffic or consumption does not reduce and simply shifts; and finally, the discrimination and stigma against people who use drugs. This failure is highly visible in the two most populated countries of Latin America: Mexico and Brazil.

With the inclusion of human rights in the United Nations Charter and the United Nations Universal Declaration of Human Rights, human rights form a fundamental part of international law. However there is only one mention of human rights within the three primary international drug control conventions (1961, 1971 and 1988), demonstrating the large breach between human rights and drug control. By punitively applying the drug conventions, many countries violate basic human rights, which we conclude to be unacceptable. Additionally, as part of the drug control conventions mandate, Member States should guarantee access to controlled medicines, including opiates, which are necessary to alleviate pain, assist in hospice care, serve as anesthesia, attend dependencies and mitigate other forms of suffering.

Similarly, economic, social and cultural rights of indigenous populations have been continuously violated because of drug control measures, with thousands of people being criminalized for producing or consuming plants that have been part of their history, culture, identity, rituals and traditions. The use of drugs has been part of humanity's reality, and it is intimately blended in practices and perspectives of different societies. The criminalization of large numbers of people from these groups has caused extensive harm to their autonomy, culture and social cohesion.

With tens of thousands of people dead, disappeared and displaced in the last seven years, Mexico is currently experiencing a humanitarian crisis caused by the repressive strategy to combat drug trafficking. Brazil currently has more than 56,000 violent homicides each year, most of them Afro-Brazilian youth, in addition to being the third country with the highest rate of incarceration, with nearly 27% of people in prison for crimes related to drugs.

The criminalization of people involved with illegal drugs can be discriminatory, affecting the poor, women, youth, and indigenous and afro populations. Throughout Latin America crimes related to drug trafficking have disproportionately impacted women, particularly young women, single mothers, and housewives with low education levels, who are responsible for caring for their children and other members of their family, many of whom belong to ethnic minorities (afro, indigenous and Latinos). Nearly 55% of the women incarcerated in Brazil are of

afro descent, and in Mexico there is a significant number of indigenous women in prison due to drug-related crimes.

In anticipation of the United Nations General Assembly Special Session on Drugs (UNGASS 2016) and considering the failure of the current drug control measures, particularly in the Brazil and Mexico contexts, we recommend that governments work towards policies that:

Promote respect for therapeutic, medical, religious and recreational drug use in our traditions and cultures;

Foment the participation of civil society, including people who use drugs, victims, cultivators and those groups most affected by current drug policies;

Develop public policies based on scientific and ethical evidence, which guarantee full respect of cultural and fundamental human rights;

Respect the sovereignty of nations and populations regarding issues related to drug policies, including decentralizing drug policy making;

Implement effective decriminalization of all uses of drugs;

Ensure access to humane attention and treatment for problematic drug use;

Foster scientific investigation about the effects of drugs, as well as the therapeutic potential of psychoactive substances, particularly that of cannabis and psychedelics;

Support immediate legal, regulation of cannabis markets, the most consumed illegal drug in the world;

Review and change indicators and metrics related to drug control policies; and

Assure the production and/or importation of essential medicines and controlled substances, including cannabis, opiates and all medicines that are part of the World Health Organization (WHO) list for the treatment of pain and suffering, whose numerous therapeutic applications have been proven by a wide scientific literature.

The harms of the prohibitionist paradigm within the international drug control system have been devastating and it is time to acknowledge that the use of psychoactive drugs is an intrinsic phenomenon of the human experience, making it necessary to promote public health and social protection, while fostering development in Latin America. The moment is now.

Drugs, Politics and Culture Congress: Brazil-Mexico Perspectives.

Guadalajara, October 6th, 2015.

