

# **INCORPORATING A GENDER PERSPECTIVE INTO DRUG POLICIES**

## **THE URUGUAYAN EXPERIENCE**



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Uruguay's drug policy is enshrined in the principles of human rights, public health, and gender. The policy includes the use of an Asset Forfeiture Fund to support gender-sensitive programs run by the government and NGOs focusing on drug prevention, harm reduction, treatment, and social inclusion. These various projects have successfully reduced recidivism rates, drug dependence, and unemployment rates among formerly incarcerated women.

### **Context and Description**

The Uruguayan government's drug policy is based on the principles of human rights and public health, with a gender perspective as a cross-cutting element. One of its innovative programs involves the use of the government-run Asset Forfeiture Fund (*Fondo de Bienes Decomisados*, FBD) to finance projects carried out by NGOs working on drug dependence treatment and the social reintegration of people who use drugs, particularly with relation to incarcerated and transgender women. This is one of several government programs aiming to promote social inclusion.

### **Uruguay's National Drug Strategy**

The National Strategy to Address the Drug Problem 2016-2026 (*Estrategia Nacional para el Abordaje del Problema de Drogas*), an initiative of the Uruguayan National Drug Board (*Junta Nacional de Drogas*, JND), is based on the principle that drug policies should be underpinned by human rights and gender considerations:

*"The gender approach seeks to mainstream this perspective across the entire set of plans, programs, and actions implemented in the field of drugs. Gender-neutral policies tend to reproduce and deepen the social inequalities generated in a male-centric culture. In this sense, it is necessary to show the specific implications of the drug phenomenon in its multiple dimensions for men, women, and other gender identities. To this end, interventions must be designed to offset the specific difficulties faced by women regarding their access, integration, and ongoing participation in drug treatment, and care centers and programs.*

*Specific actions should be implemented to prevent the violence faced by women in communities affected by illicit trafficking networks, in particular those that minimize and aim to eliminate the impact of related crimes, such as coerced involvement in*

**Uruguay's Asset Forfeiture Fund finances projects focusing on drug dependence treatment and social inclusion.**

*criminal activity, sexual exploitation, and human trafficking. In addition, these actions should offer alternatives focusing on social development and rights protection that contribute to improving women's livelihood."*<sup>2</sup>

### **The Asset Forfeiture Fund**

One of the examples of mainstreaming gender in drug policy is the collaboration between the FBD and civil society-led programs focusing on women. The FBD was created in Uruguay by Article 125 of Law 18.046 in 2006. Article 68 of Law 17.930 modified previous regulations, and established that any goods, products, or instruments seized – which do not have to be destroyed and are not harmful to the population – will be transferred by the presiding judge to the JND, which gains the right to own and use the goods. However, it is not until the sentence has been passed that the JND is habilitated to: "Transfer the goods, products or instruments, or the product of their sale, to any public or private entity dedicated to drug prevention, treatment, rehabilitation, and the social reintegration of those affected by drug use" (as per article 68).

Most of the FBD's funds are used to strengthen state institutions responsible for law enforcement, interdiction, and money laundering. These include, amongst others, prosecutors' offices, courts, the Forensic Technical Institute (*Instituto Técnico Forense*), and the National Anti-Money Laundering Secretariat (*Secretaría Nacional Antilavado de Activos*). The JND channels another portion of the FBD towards financing and implementing policies focusing on drug prevention, treatment, and social reintegration – both through projects directly carried out by the JND and others led by civil society organizations. For the latter, there is a competitive call for proposals. Here, it is important to highlight that the law stipulates

that the projects funded by the FBD cannot supplant the state's obligations in this area.<sup>3</sup>

According to María Herrera, the coordinator of the FBD, "this competitive call for proposals and the funds for local initiatives are implemented in the country's 19 provinces by the JND, to support and promote community participation in, and commitment to, local strategies to reduce drug demand. These initiatives promote health, prevention, care, treatment, social reintegration, research, and training related to problematic drug use, with a particular emphasis on cross-cutting drug policies, risk and harm reduction, and a gender perspective."<sup>4</sup> In addition to its focus on gender mainstreaming, the JND prioritizes selective prevention proposals for groups in situations of social vulnerability, such as prisoners, people living in extreme poverty and/or living on the streets, and women and children who use drugs.



Uruguayan peso. Source: HD Wall Papers Buzz

Aside from the call for proposals, the JND coordinates with various ministries and state institutions and collaborates with NGOs to promote social inclusion with programs focusing on gender and harm reduction. The JND also funds social inclusion projects focusing on training and/or capacity building with the goal of improving access to education and/or employment.

## A Gender Focus

In 2014, a call went out for proposals specifically focused on drug use from different gender perspectives. The call sought initiatives oriented towards drug prevention, treatment and social inclusion, as well as institutional communication policies. The objective was to develop positive actions to help specific groups to overcome the various forms of drug-related gender vulnerability and inequality. Projects were then carried out in various locations across the country. The following proposals were selected:

- **Petrona Argüello Women's Cooperative, Canelones Province: "Around the corner: Sex work, drugs, and gender"** – The main objective of the project was to investigate the links between sex work, drug use and/or trafficking and gender among adult women and transgender women engaged in street-based sex work in the provinces of Canelones, Maldonado, and Montevideo.
- **Mental Health Unit of Dr. Paulina Luisi Women's Hospital, Pereira Rossell Hospital Center (CHPR in Spanish): "Systematization and evaluation of work conducted among women problematically using psychoactive substances in a flagship assistance center: the Dr. Paulina Luisi Women's Hospital"** – Between 8,000 and 9,000 births take place every year in the Maternity Ward of the CHPR, which is considered a flagship center where patients from across the country are sent when there may be complications with pregnancy, childbirth, and the survival of a newborn. Approximately 10% of the women who give birth in the CHPR use or have used drugs during pregnancy. The project included the production and dissemination of the publication "Women, Motherhood, and Problematic Drug Use: Building Group Cohesion."
- **Espacio Saberes (NGO)** – This capacity building project for prison workers, police officials, and health teams aimed to strengthen drug dependence treatment programs for transgender people in the penitentiary system of Colonia province.
- **Interamerican Institute on Disability and Inclusive Development (Instituto Interamericano sobre Discapacidad y Desarrollo Inclusivo) and Uruguay's National Union of the Blind (UNCU in Spanish): "By supporting, you're teaching" (Cuidando enseñás)** – This project promoted the creation of a support group of teenagers for drug prevention, as well as the design of educational materials to promote health, life skills, and the prevention of problematic drug use (especially alcohol and cannabis) with a gender perspective.
- **El Tejano (NGO): "Questions, trainings, and research on gender and drugs"** – This research project focused on youth-led community-based actions in a Montevideo community. The proposal involved setting up a Youth Community Radio to work on drug use, gender stereotypes and harm reduction.

## Results and Impact

By focusing on building self-confidence, finding employment, improving family relationships, and accessing and remaining in a drug dependence treatment program, the Uruguayan government consolidated a social inclusion model which now forms an integral part of drug treatment. According to official documentation, between July 2011 and late 2014, some 700 people were referred to the

projects described above.<sup>5</sup> In 2014, 13.9% of the participants were women.<sup>6</sup>

An evaluation of the social inclusion projects between 2011 and 2014 showed that, after 12 or 18 months, 50% of referees were employed – 72.7% of them in the formal economy. Regarding drug use, 66% were no longer using drugs, 24% used sporadically, and 10% reported that they consumed as much or more than before.<sup>7</sup>



Uruguay's FBD project wins the First Prize for Transparency in Administration. Source: JND website

In recognition of the FBD's achievements, on November 25, 2016, Uruguay's FBD project won the *First Prize for Transparency in Administration* – a prize awarded by the Uruguayan Agency for Access to Public Information of the Public Administration Bodies (*Unidad de Acceso a la Información Pública de los Organismos de la Administración Pública*).<sup>8</sup>

## Key Resources

Junta Nacional de Drogas, *Nuevo sistema informático asegurará trazabilidad de bienes incautados y decomisados al narcotráfico*, January 29, 2016, [http://www.infodrogas.gub.uy/index.php?option=com\\_content&view=article&id=3040&catid=14&Itemid=59](http://www.infodrogas.gub.uy/index.php?option=com_content&view=article&id=3040&catid=14&Itemid=59)

Junta Nacional de Drogas, *Fondo de Bienes Decomisados*, [http://www.infodrogas.gub.uy/index.php?option=com\\_content&view=category&layout=blog&id=22&Itemid=47](http://www.infodrogas.gub.uy/index.php?option=com_content&view=category&layout=blog&id=22&Itemid=47)

Junta Nacional de Drogas, *Inserción social*, [http://www.infodrogas.gub.uy/index.php?option=com\\_content&view=category&layout=blog&id=24&Itemid=49](http://www.infodrogas.gub.uy/index.php?option=com_content&view=category&layout=blog&id=24&Itemid=49)

Junta Nacional de Drogas, *Fondo de Bienes Decomisados de la JND recibió Premio a la Transparencia Activa*, November 25, 2016, [http://www.infodrogas.gub.uy/index.php?option=com\\_content&view=article&id=3697&catid=14&Itemid=59](http://www.infodrogas.gub.uy/index.php?option=com_content&view=article&id=3697&catid=14&Itemid=59)

## Acknowledgements

The author wants to thank Gabriela Olivera and María Herrera for their valuable comments and contributions. This briefing was translated into English by Hilary Burke.

## Endnotes

1. Senior Fellow, WOLA.
2. Junta Nacional de Drogas, *Estrategia nacional para el abordaje del problema drogas 2016-2020*, p. 16.
3. Written correspondence by María H. Herrera, coordinator of the FBD, October 26, 2016.
4. Written correspondence by María H. Herrera, coordinator of the FBD, October 26, 2016.
5. Junta Nacional de Drogas, *Inserción social: Evaluación de resultados obtenidos por personas derivadas a proyectos de inserción social*, Años 2011-2014, 2014, [http://www.infodrogas.gub.uy/images/stories/pdf/revista\\_insercion.pdf](http://www.infodrogas.gub.uy/images/stories/pdf/revista_insercion.pdf)
6. *Ibid.*
7. *Ibid.*

8. Junta Nacional de Drogas, *Fondo de Bienes Decomisados de la JND recibió Premio a la Transparencia Activa*, November 25, 2016, [http://www.infodrogas.gub.uy/index.php?option=com\\_content&view=article&id](http://www.infodrogas.gub.uy/index.php?option=com_content&view=article&id)

[=3697&catid=14&Itemid=59](#)

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*This series aims to share examples of innovative approaches that incorporate a gender perspective and the principles of public health and human rights into drug policy. Such innovations will have the best possible outcomes only when they are accompanied by more fundamental drug law and policy reform. However, in the absence of broader reforms, or carried out in conjunction with such reforms, these innovations can help break the vicious cycles of poverty, social exclusion, drug use, involvement in the drug trade, and incarceration that plague so many poor communities across the Americas today. Global Innovative Approaches is a tool that accompanies the publication [Women, Drug Policies and Incarceration: A Guide for Policy Reform in Latin America and the Caribbean](#).*