



**CMDPDH**  
Comisión Mexicana de Defensa y  
Promoción de los Derechos Humanos



**espolea**  
MÉXICO



## Civil society recommendations for the consolidated position of Mexico to the Final Document of the 2016 UNGASS

The organizations Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Colectivo por una Política Integral hacia las Drogas (CUIHD), ReverdeSer Colectivo, Equis Justicia para las Mujeres and Espolea welcome the inclusion of various topics by the government of President Enrique Peña Nieto in the document 'Proposals for UNGASS 2016 operational recommendations', and applaud the direction in which this document might fuel the debate. However, we would like to suggest specific remarks about some elements that we believe are not included and that must be considered. In this paper we present specific recommendations that the organizations stated above consider need to be promoted by Mexico in the development of the consolidated position for the final document of the Special Session on Drugs of the General Assembly of the United Nations (UNGASS 2016).

Considering that the Mexican government sees the UNGASS 2016 as "an invaluable opportunity to make better decisions in a concerted manner, among countries, together with civil society, academia and UN specialized bodies" and recognizes the importance of "ensuring a broad, inclusive debate, without preconceptions, towards the 2016 UNGASS, that makes room for all experiences and all voices", we believe that Mexico should have a firm stance, which, transversely to the various topics to be addressed, must include the following:

- Advocate for the development of a broader set of indicators for the evaluation of national and global frameworks for drug policy that relate to the fundamental pillars of the UN: health development, security and human rights.
- Recognize that UNGASS is an opportunity to design new targets and indicators of success in drug policy that will allow us to measure progress towards fulfilling UN health guidelines, achieving peaceful and inclusive societies, decreasing violence and corruption and accomplishing respect for human rights. In order to accomplish the aforementioned, it is necessary to avoid reaffirming the commitments and objectives in existing drug control treaties and the Political Declaration of 2009 and to stop considering the destruction of crops, the seizures of illicit plants and substances, detentions and extrajudicial executions of people involved in drug trafficking, and the number of people admitted users in treatment centers as indicators of success.
- Ensure the effective participation of civil society in the preparatory process and at the UNGASS itself through the pre-allocation of spaces for oral statements so organizations from all regions of the world can participate meaningfully in the discussions of all issues to be addressed. This means designating time in the discussions of each subject for the participation of at least three organizations from each region and not relegating the participations of civil society to the end of each session or to side events.

In addition to this, we have also identified four priority topics on which we believe Mexico should take a stand: human rights, health, the justice system and public safety. We are happy to notice these topics are included in the 'Proposals for UNGASS 2016 operational recommendations'. For each of these topics we have developed key recommendations we hope could be incorporated in the position of Mexico.

### 1. Drug policy and human rights

Mexico should reaffirm its commitment raised in the High Level Meeting, held on May 7, 2015 in New York, to incorporate "more fair and humane drug policies, departing from the basic principles of peace and security, promotion of development and defense of human rights". We have observed that Mexican government repeatedly refers to the "social damages" of the world drug problem, but we consider it is necessary to recognize that the damages generated by the current drug control policies are human rights violations. The 'Proposals for UNGASS 2016 operational recommendations' document states "the social harmful consequences of the world drug problem to individuals and communities, such as violence, exclusion and social disintegration, must be addressed in a comprehensive manner". In order for this to be more specific, we consider Mexico's position

must include:

- Discouraging the use of the “war on drugs” discourse as drug policy language, this discourse necessarily designates “enemies” and promotes the use of warlike language to “combat” addiction. On the contrary, it is necessary to encourage the use of a human rights discourse grounded in a discourse of respect for human rights, including the right to autonomy and personal freedom, and the right to physical and mental health.
- Promoting the establishment of an ongoing process to monitor and evaluate the impacts of the worldwide drug control system on human rights within the human rights mechanisms and special procedures of the UN, including the analysis of the impacts on the human rights of people who use drugs, people involved in drug markets and the general population, with particular attention to vulnerable population groups (women, youth, farmers, incarcerated people, homeless people, etc.).
- Establishing that drug and security related policies must not consist of the erosion of human rights and the due process, advocating for the non-participation of the armed forces in matters that correspond to the police and insisting that the absolute prohibition of torture and cruel, inhuman or degrading treatment, arbitrary detentions, including detentions for investigation (arraigo), the fabrication of guilty parties (presentation before media of people who have not been sentenced), impediments of access to justice and the arbitrary use of force becomes effective.
- Promote the exchange of experiences and cooperation between countries in order to identify measures to address the needs of victims of the violence associated with drug trafficking and repressive governmental actions implemented to combat it.

## 2. Drug policy and health

Mexico should reaffirm its commitment raised in the High Level Meeting, held on May 7, 2015 in New York, to “avoid criminalizing those who are most vulnerable, and stigmatization and marginalization of drug users” . In order to have a “health and human rights approach to address the world drug problem”, there are key elements that must not be overlooked:

- Reaffirm that drug use should be treated as a public health issue, not one related to criminal justice. Drug use should be treated as an issue of access to information, harm reduction and public health, meaning using drugs should not make people subject to punishments such as criminal sanctions, police extortion, arbitrary arrests, harassment and imprisonment or other forms of repression.
- Encourage drug policies that are based on minimum, existing and emerging, health guidelines, emphasizing that drug treatments, for problematic drug use, should always be voluntary, free, secular and accessible to all, likewise, they should be governed under strict public health systems. These programs should place particular attention on proportioning adequate care for populations in situations of vulnerability (women, youth, farmers, detainees in prisons, homeless people, etc.), which should recognize their diversity, multiculturalism and respect their economic, social and cultural rights.
- Insist that all institutions and persons involved in prevention and treatment of problematic use of substances are trained and sensitized for these jobs in order to ensure that custodial, stigmatizing and discriminatory behaviors are not reproduced.
- Ensure that policies and health programs on drugs are not limited to prevention and treatment, and ensure public policies prioritize harm reduction perspective in all health programs. Recognize harm reduction strategies as a set of evidence-based and respectful of human rights interventions, and rely on the examples of good practices set by other countries such as Portugal. Promote the allocation of funds for research, not only of new psychoactive substances, but of the controlled substances covered by the conventions also, in particular their effects on the body and potential medicinal and therapeutic uses.

## 3. Drug policy and the justice system

In the words of the Deputy Attorney Mariana Benitez Tiburcio on behalf of the Delegation of Mexico at the general debate of the High-level Review of the 57th Session of the Commission on Narcotic Drugs: “the government of President Enrique Peña Nieto is convinced that in our country it is necessary to consolidate a

change of vision in which justice, inclusion and prevention are the key elements to make communities and areas of public coexistence true spaces of peace and security” . In accordance with this statement we consider that Mexico should:

- Advocate for the effective decriminalization of drug use and personal possession; proportionality for low-level nonviolent drug related crimes, and the establishment of mechanisms to analyze countries that have implemented drug use decriminalization in order to evaluate the actual implementation of decriminalization in other parts of the world and share experiences of good practices.
- Promote the importance of establishing transparency mechanisms for the justice systems of all countries that include the registration of detainees, clear mandatory procedures for police and justice system operators in order to guarantee respect for the rights of detainees, and visits by public institutions and civil society.
- Implement measures to eradicate corruption and strengthen democratic institutions in order to ensure respect for human rights and the effective functioning of the justice system.

#### **4. Drug policy and public safety**

Speaking on behalf of the Government of Mexico during the Special Segment in preparation of UNGASS, Ambassador Juan Manuel Gomez Robledo stressed that Mexico is committed to achieve new and better policies than those that have been undertaken so far in the country, and in his own words “ have privileged the aspect of security, mainly aimed at controlling supply, which has caused greater damages than those caused by the problem itself and has left lasting scars on society” . That is why Mexico should consider:

- Encouraging the development of better indicators to establish the effectiveness of police interventions as the basis for a broader assessment of the overall drug control system.
- Promoting the prioritization of law enforcement to investigate and prosecute large scale organized crime, addressing the diversification of organized crime, primarily money laundering.
- Demilitarize security strategies in drug policy, having verified that the incursion of the armed forces to address the world drug problem has taken a heavy toll on human rights and has failed to reduce the supply of drugs.