

## Presentación Foro de sociedad civil UNGASS

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In this presentation, I want to give some general ideas about a specific form of violence against women, that is commonly invisible for policy makers in the debate around the issue of drug policies.

Women all over the world are being incarcerated for low-level drug offences at an alarming rate. In some countries in Latin America from 60 to 80% of the female prison population is incarcerated for drug related crimes. Most of them are involved in non-violent crimes, with small amounts of drugs and have no real involvement within the criminal organization. This phenomena has led to the label of feminization of drug trafficking, which is in turn, related to the feminization of poverty.

BUT, The impact of imprisonment of mothers and care givers, in particular, can be devastating, not only for them, but also for their families and communities. A study conducted in Chile, México and Colombia shows that in general, most of women incarcerated for drug related crimes were mothers and most were the head of single parent households; they became mothers at a very young age, have low levels of education, they are poor and some of them even homeless. Most were unemployed or with an income insufficient to cover the family expenses.

These characteristics establish an almost direct relation between poverty and their involvement in criminal activities and it reaffirms the findings of several reports about the region. Poverty, large numbers of children, in the majority of cases with an absent father and hence no additional income provided to the family, are all contributing factors that lead women to get involved in criminal networks.

*And though they bear the brunt of unjust policies, these women are rarely threats to society; most are arrested for performing low-level, high risk tasks, and many have been driven to small scale drug dealing or transporting drugs as a way to survive poverty or in some cases as a result of coercion by intimate partners or criminal organizations (WOLA)*

When studying the involvement of women in this activities we found cases where women were deceived or tricked, as they were not expected to carry out the transport and delivery because the police had been tipped off, either to allow the police to show good results, or as distraction to facilitate a larger transaction. This is especially serious when considering that most women who live in poverty have been subjected to physical, sexual and psychological violence through their lives. Additionally, many women became drug users after being incarcerated, in part to survive the inhuman conditions they have to endure.

Imprisonment worsens the situation of instability and poverty for the women and their dependents. In many cases the only provider of income to the household is now behind bars and putting them in jail has not shown any results in the reduction of consumption or trafficking. On the contrary, what the evidence shows us is that the drug trade business has exploited women,

risking their lives and integrity in the struggle to provide for their families. The current drug policies are becoming a new form of violence against women perpetrated by governments.

To address this issue, a working group of experts, civil society representatives and government officials produced a guide for policymakers titled, *Women Drug Policies and Incarceration: A Guide for Policy Reform in Latin America and the Caribbean*. The guide offers a road map of policy reforms based on a human rights and public health framework and from a gender perspective.

The guide emphasizes that drug policies should be developed based on the fundamental legal principle that criminal justice should only be used as a last resort. Fundamental drug law reforms are needed throughout the region, so that low-level offenses committed by women or men can be addressed by alternatives to incarceration and by ensuring that the penalties are proportional to the offenses committed.

In addition, special attention should be given to the gender perspective in developing, implementing, and evaluating legislative and drug policy reforms. Criminal justice systems should be capable of taking attenuating circumstances into account, for example in the case of women who have dependents in their care, or pregnant women. In no case should women in these circumstances who are accused or convicted of non-violent drug crimes go to jail; instead alternatives to incarceration should be implemented. Indeed, alternatives to incarceration are less costly and less harmful responses, and more effective for addressing drug-related offenses.

The gender perspective is completely absent when it comes to drug laws and public policies, and in order to move forward, this needs to be addressed and incorporated into the debate in order to provide more inclusive approaches to drug policy. Maintaining the status quo is unacceptable for women.