

Women, drug policy and incarceration in Latin America and the Caribbean: Options for reform

Marie Nougier, International Drug Policy Consortium
June 2018

Global trends

- More than **700,000 women** and girls are held in prison worldwide
- About **6.5 %** of the world's prisoners are women
- The number of women and girls in prison has **increased by 50% since 2000**, while the general world population rose by only 18% => women are the **fastest growing prison population**
- Particularly sharp increases in Latin America and Asia
- Women are imprisoned for drug offences more than any other crime (low economic opportunities and political status) (UN Women)

Country	Number of Women Incarcerated for Drug Crimes	Percentage of Women Incarcerated for Drug Crimes
Argentina	790	65 %
	Federal Prison Statistics, 2013	December 2012
Brazil	16,489	60.63 %
	June 2013	June 2013
Colombia	3,830	45 %
	2014	2014
Costa Rica	944	75.46 %
	December 2011	December 2011
Chile	1,889	57.2 %
	Based on the population in April 2015	Based on the population in April 2015
Ecuador	709	43 %
	2015	2015
Mexico	Federal 528 Local 1,547	44.8 % 14.2 %
	2014/2013	August 2014/May 2013
Peru	2,679	60.6 %
	2014	2014
Uruguay	126	29.5 %
	2014	2014

Our working group of experts



Profiles of women incarcerated for drugs offences

- Non-violent, first time offenders
- Mostly micro-trafficking offences, but also drug smuggling in prisons, small home sellers, transporting drugs
- Low levels of formal education, limited prospects in the licit economy
- Majority are mothers and some of them go to prison with their children
- In some cases, factors of coercion, similar to women who are victims of human trafficking



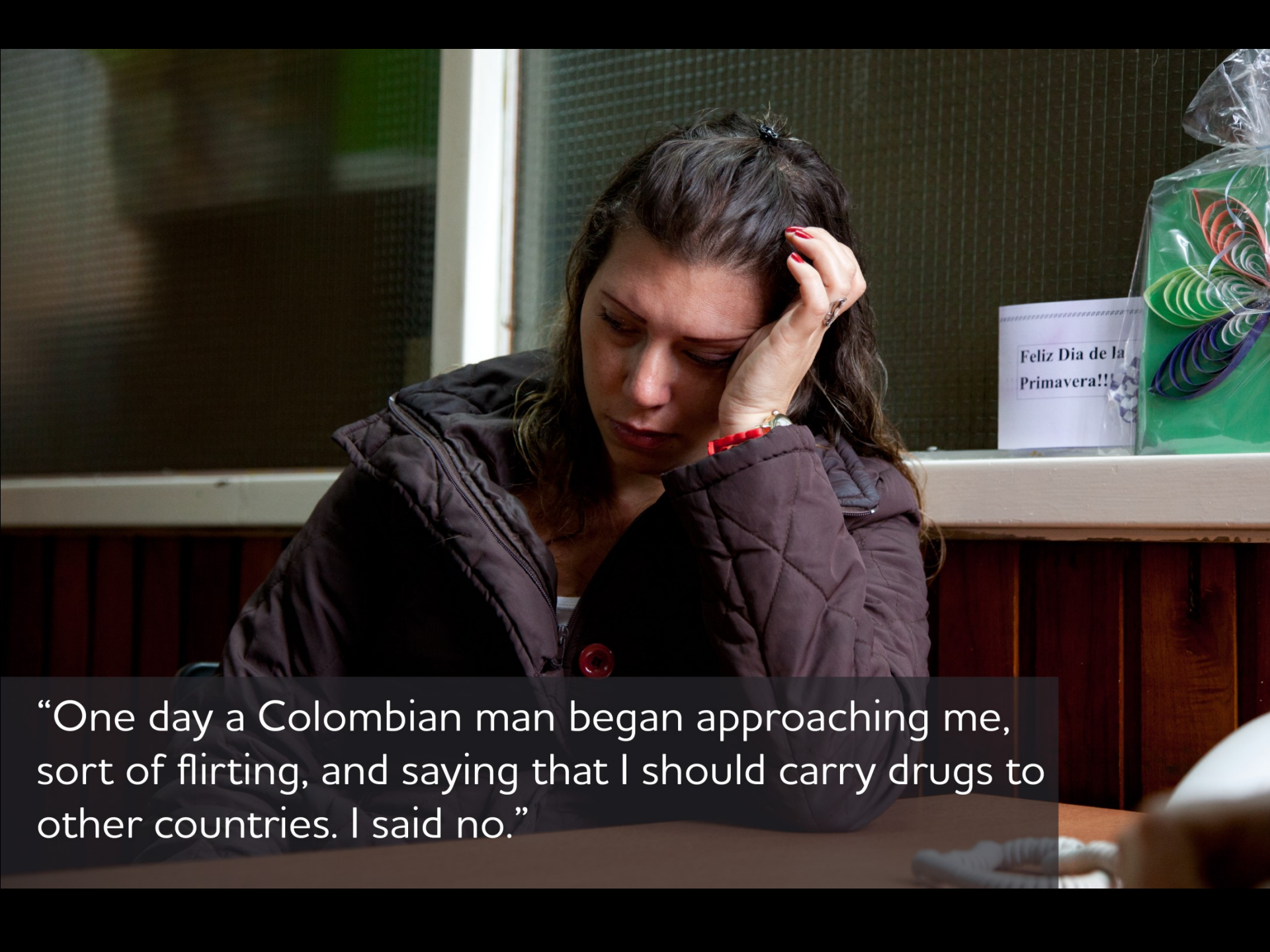


KIDNAPPED AND
COERCED

Liliana is Venezuelan and is being detained at an Argentine federal prison. She has two children in Venezuela.



Prison sentence: Four years and six months for drug trafficking; after serving half the sentence, she can be deported and released in Venezuela.




“One day a Colombian man began approaching me, sort of flirting, and saying that I should carry drugs to other countries. I said no.”

When Liliana refused, the man started threatening to hurt her family.

“My mistake was not seeking help. Little by little I gave in. If they set your life against the lives of your children, your relatives, you will choose their lives. Let them do what they want with me.”

Afraid of putting her family at risk, Liliana agreed to transport drugs to Peru. But she later realized that the original plan was not going ahead and that she'd been kidnapped by this group of people. First they took her to Caracas and then to Ecuador.

“They would tell me: remember that we know where your children are, remember that we know where your family is. First we'll kill you and then your whole family.”

A woman with long brown hair, wearing a dark brown quilted jacket over a white top, sits on a wooden bench in a classroom. Behind her is a green chalkboard with some faint writing. To the left, a painting of a mountain landscape with a bright orange and yellow sky is visible. The woman has a serious expression and her arms are crossed.

“Maybe they put me there as a decoy so someone else with more drugs could get through. I was carrying 1 kilo 600 grams.”



“Even before I got to the end of the walkway, Customs and Migrations officials were waiting for me.”



By accepting the plea agreement, Liliana could not explain to a judge that she had been threatened into transporting the drugs.

Women's incarceration: A triple stigma

- Disproportionate prison sentences
- Stigmatised and condemned by society
- The criminal record as a barrier to social reintegration



*Luz Piedad Caicedo, Corporacion Humanas
Colombia*

Women, Drug Policies, and Incarceration



*A Guide for Policy Reform
in Latin America
and the Caribbean*

Objective

- Reduce the female prison population in the region
- Offer recommendations on alternative drug policy options

Report available here:

<http://bit.do/women-and-drugs-guide>

Our recommendations

- Collect more data on scale & impact of incarceration of women for drug offences
- Decriminalise drug use and possession for personal use
- Ensure proportionality of sentencing & the use of mitigating factors
- Focus on the underlying causes of involvement in the drug trade
- Promote alternatives to incarceration – with **prison only used as a last resort**
- Develop policies supporting women post incarceration

Good practice examples: Innovative approaches in drug policy



GENDER AND DRUG POLICY: EXPLORING INNOVATIVE APPROACHES TO DRUG POLICY AND INCARCERATION

INCORPORATING A GENDER PERSPECTIVE INTO DRUG POLICIES

THE URUGUAYAN EXPERIENCE

1

Coletta Youngers¹

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 Manejo del Problema de Drogas*)

"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.

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

- Examples of policies and programmes in the region and worldwide
- 14 briefings available here: <http://bit.do/innovative-approaches>

Good practice example: Costa Rica

- 2013: legislative reform to reduce penalties for women smuggling drugs in prison, with alternatives to incarceration if in situation of vulnerability => 150 women were released
- 2014: establishment of an inter-institutional network of support for vulnerable women
- 2017: removal of criminal records for people in situation of vulnerability for certain offences



Good practice example: Pardons in Ecuador and Bolivia

- **Ecuador:** 2008 pardon of over 2,300 people convicted of low-level drug offences, 30% of whom were women
- **Bolivia:** 6 prison pardon, sentence reduction and amnesty initiatives between 2012 and 2018 (with gender-sensitive clauses for mothers and care givers), leading to the release of 1/3 of Bolivia's total prison population



Good practice example: Uruguay

- Use of Asset Forfeiture Fund to support gender-sensitive programmes run by the government and NGOs on drug prevention, harm reduction, treatment and social inclusion
- Impact: reduced recidivism rates, drug dependence and unemployment among formerly incarcerated women



Good practice example: Portugal

- 2001: Decriminalisation of drug use, creation of dissuasion commissions, investments in harm reduction and drug dependence treatment
- Impact: low prevalence of HIV and hepatitis C among people who use drugs, limited number of overdose deaths, increased access to treatment, reduction in levels of stigma



THANK YOU



- Contact: mnougier@idpc.net
- Website: www.idpc.net
- Project website:
www.womenanddrugs.wola.org