



Proyecto financiado por la Unión Europea



DRUGS DEMAND REDUCTION  
DRUGS SUPPLY REDUCTION

# 1<sup>st</sup> BI-REGIONAL MEETING FOR THE EXCHANGE OF BEST PRACTICES / COPOLAD II

## Drugs policy and criminal justice reforms

### Alternatives to prison for drug-related offences

Costa Rica, 27-29 June 2017



OAS | CICAD



FIIAPP  
COOPERACIÓN ESPAÑOLA



GOBIERNO DE ESPAÑA  
MINISTERIO DE SANIDAD, SERVICIOS SOCIALES E IGUALDAD

SECRETARÍA DE ESTADO DE SERVICIOS SOCIALES  
DIRECCIÓN DEL GOBIERNO PARA LAS RELACIONES INTERNACIONALES

## BACKGROUND

Drug-related offences have contributed to an important increase in the prison population in many countries of the Community of Latin American and Caribbean States (CELAC). As a consequence, and especially over the past years, among the European Countries as well as those which from the CELAC, there is an increasing motivation to search alternatives to incarceration and, mostly, the implementation of policies aimed at reducing the imprisonment rates for this type of offences. This process of reflection and action requires the recognition that, currently, any strategy in this direction must be considered as a key and indispensable element of any drugs policies based on principles of Human Rights, Public Health, Security and focus on the Gender perspective.

As reflected in a study recently published by DG Home<sup>1</sup>, programmes that offer alternatives to prison are available in all of the European Union (EU) countries, and their application has been generalised over the past 15 years, having been incorporated to the legal framework of many countries of the Union. Similarly, this area is also contemplated in the *European Drugs Strategy (2013-20)* in which the EU recommends the utilisation, supervision and effective application of policies and programmes to fight drugs, which include the suspension of detentions and of adequate alternatives to coercive sanctions (education, treatment, rehabilitation, follow-up, and social reintegration) for drug users. What is intended with these programmes is to respond to the needs of people in conflict with the law who maintain problematic drug uses, as well as to prevent delinquency, avoid relapses and to increase the efficiency and efficacy of the criminal justice system while at the same time guaranteeing its proportionality. The political arguments in favour of these programmes are based on their capacity to reduce individual and social harms associated with tackling drug-related offences, as well as their capacity to face, in an efficient manner, the structural weight supported by the judicial and penitentiary systems, and associated with processes of arrest, trial and sentence for drug-related non-violent offences or micro-traffic.

The search for alternatives to imprisonment are also part of the political discourse in Latin America and the Caribbean, and is part of the mandate agreed by the Member States of the OAS both in the *Hemispheric Drug Strategy* and in the recently approved *Action Plan 2016-2020*. In fact, during the last years, and through various international initiatives, the Inter-American Drug Abuse Control Commission of the Secretariat for Multidimensional Security of the OAS, has promoted the discussion about alternatives to imprisonment for drug-related offences, at the hemispheric level as well as within the framework of the United Nations, making a call to the international community to consider different measures to prison for small cultivators, people caught transporting small quantities of drugs and drug dependent offenders.

In 2015, CICAD, in cooperation with the Colombian Ministry of Justice and Law, published a *Technical Report on Alternatives to Incarceration* for drug-related offences, which identified some alternatives to imprisonment that have been used in different countries of the world offering a broad set of tools that allows the progressing in the formulation, adoption and application of policies and measures that are promising and at the same time more respectful to Human Rights, taking appropriately into account the national, constitutional, legal, and administrative systems of substitute or complementary measures in what concerns the reduction of the criminal proceedings, sentence or penalty in the appropriate cases. Similarly, CICAD has been working on the expansion of alternative models under a legal

<sup>1</sup> [Study on alternatives to coercive sanctions as response to drug law offences and drug-related crimes](#). Directorate-General Migration and Home Affairs, European Commission. May, 2016



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supervision for the adult and adolescent population, supporting the establishment of more than 50 specialised courts in more than a dozen Member States of the OAS. At the same time, CICAD has created the database: [Inventory of alternatives to incarceration](#), accessible through their website.

The advancement of these programmes both in the EU and in the CELAC regions should allow the strengthening of drugs policies based on the principles of Human Rights, Public Health and Security, taking into account the gender perspective, as well as effectiveness evidence-based criteria. Although conclusive evaluations are not yet available, the initial reviews carried out so far suggest good results and the need to adjust some aspects still under exploration or consolidation.

Due to its relative *youth* it is therefore a field of intervention in which there are still important challenges, which can only be overcome through the provision of appropriate resources, the articulation of socio-health care responses coordinated with the judicial system and the rigorous evaluation of the initiatives developed so far. The exchange of lessons learned is a valuable opportunity to move forward.

Given that the possibilities to offer alternatives to prison sentences differ from one legal system to the other and are different based on the socio-economic contexts of the countries in each region, it is unlikely for the programmes to be directly transferable. However, it is possible to identify experiences, ideas and key elements that can be particularly useful to those countries that consider the introduction of these approaches, as well as for those that aim at optimising the efficacy of their already-implemented programmes.

## PURPOSE

From COPOLAD II we convene this meeting for bi-regional exchange with the purpose of reviewing the available evidence in the field of criminal reforms related to drug-related offences, in order to facilitate the exchange of information, the identification of promising experiences and the sharing of lessons learned. We hope that the exchange of best practices will contribute to define the main advances achieved and the challenges that are still to be faced in the short and medium-term.

## PROFILE OF PARTICIPANTS

Representatives of institutions involved in the legal, criminal and social treatment of people in conflict with the law, in the following areas:

### Professional Profile 1

Institutional / professional representative of **Drug Demand Reduction in the care treatment** responsible for the oversight of programs related to drug related offenses in the following areas:

- Penitentiary: agents with experience in educational and assistance programs in the intra- and extra-penitentiary field.
- Socio-sanitary services, specialized care, social insertion services, general social services or specialized primary care.

### Professional Profile 2

Institutional / professional representative involved in the **legal or criminal component regarding drug-related offenses**. Some examples could be, but are not limited to:

- Judicial: representatives of the judiciary, drug treatment courts, magistrates, public prosecutor's offices, specialized public prosecutor's office, public defendants (for either adult or juvenile population).
- Representatives of the enforcement of criminal sentences in adolescent criminal responsibility.



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### PROGRAMME

Tuesday June 27<sup>th</sup>

08:30h – 09:00h: Registration

09:00h– 09:30h **Opening Session**

09.30h-10.00h: Family picture and coffee break

10:00h – 12:00h **Keynote Speeches: Common trends in the drug-related criminal laws of the countries in the region as consequences of the criminalisation of drug-related offences and some existing and possible options to imprisonment: main challenges and opportunities**

- **Emma Disley**, Associate Research Group Director, **RAND Europe**

- **Alberto Amiot**, Legal Adviser and Coordinator of the Drug Treatment Courts Project, **CICAD-OAS**

Chairperson:

**Guillermo Araya**, Director of ICD, **Costa Rica**

Rapporteur:

**Carlón Mendoza**, Magistrate, Criminal Court, member Drug Treatment Court, **Belize**

12:00h-13:30h: Lunch hosted by COPOLAD

13:30h – 15:00h **Panel 1: Options for public policies regarding alternatives to imprisonment**

- **Berta Gordón**, Vice-president, SIAD (Servicio Interdisciplinar de Atención a las Drogodependencias), **Spain**

- **Víctor Roberto Prado**, Supreme Judge of the Supreme Court, **Peru**

- **Pamela F. Rodriguez**, President & CEO, TASC, Inc. (Treatment Alternatives for Safe Communities), **USA**

- **Brendan Hughes**, Principal Scientific Analyst for National Legislation, **EMCDDA**

Chairperson:

**Alberto de Jesús Cuesta**, Alternatives to imprisonment group, Ministry of Justice and Law, **Colombia**

Rapporteur:

**Adriana Henao**, Specialist in Alternative to Imprisonment Programmes and Alternative Development, **CICAD-OAS**

15:00h-15:30h: Coffee break

15:30h – 17:00h **Working groups**

19:00h: Cocktail hosted by COPOLAD

End first day



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Wednesday June 28<sup>th</sup>

09:00h – 10:00h **Panel 2: Alternatives to the entry into criminal proceedings**

- **Elsa Lavado**, Statistics and Research Division, SICAD, **Portugal**
- **Vassilis Chrysanthou**, Member of the Board of Directors of Cyprus Anti-Drug Council, **Cyprus**
- **Grisel Hernández**, Responsible for patient care, IAFA, **Costa Rica**

Chairperson:

**Martha Jarvis**, Director NDAPU, **Dominica**

Rapporteur:

**Ernestina Rosendo**, Coordinator of the Epidemiology Department, SEDRONAR, **Argentina**

10:00h-10:15h: **Coffee break**

10:15h – 11:15h **Panel 3: Alternatives to imprisonment during criminal proceedings**

- **Doris Ma. Arias Madrigal**, Magistrate President of the Criminal Cassation Chamber, Supreme Court of Justice of Costa Rica, **Costa Rica**.
- **Ledy Zúñiga**, Technical Secretary on Drugs, STD, **Ecuador**
- **Johnny Connolly**, Irish Research Council fellow, University of Limerick, **Ireland**
- **Malcom Holdip**, High Court Judge, Judiciary of **Trinidad y Tobago**

Chairperson:

**Cynthia Klein**, Public Prosecutor, Ministry of Justice and Police, **Suriname**

Rapporteur:

**Yiles Pittí**, Magistrate of the Supreme Court of Justice, **Panama**

11:15h – 12:15h **Panel 4: Alternatives for the prison population**

- **Jorge Paladines**, National Missionary Coordinator of the Public Defender's Office of **Ecuador**
- **Javier Herranz Herranz**, Coordinator of Programs of the General Sub-directorate of Institutional Relations and Territorial Coordination, General Secretariat of Penitentiary Institutions, **Spain**
- **Julius Lang**, Director, Center for Court Innovation (CCI), **USA**
- **Ronald K. Chase**, Member of the Board of Directors, NCSA, **Barbados**

Chairperson:

**Antonio Israel Ybarra Suárez**, Secretary of the CND, **Cuba**

Rapporteur:

**Michaela Stefunkova**, Researcher, Institute of Criminology and Social Prevention, **Czech Republic**

12:15h-13:45h: **Lunch hosted by COPOLAD**

13:45h – 15:15h **Panel 5: Alternatives to imprisonment for specific groups**

- **Zhuyem Molina**, Specialist attorney in alternatives to imprisonment, Judiciary, **Costa Rica**
- **Rogelio Guzmán**, Magistrate, High Court of Justice of Chihuahua, **Mexico**
- **Filip De Sager**, Drug policy Coordinator, City of Ghent, **Belgium**
- **Myo Oo**, Senior medical Officer, Bellevue Hospital, Ministry of Health, **Jamaica**

Chairperson:

**Teresa Wayra**, Responsible of Mental Health and Prevention of Addictions, Ministry of Health, **Bolivia**

Rapporteur:

**Kenya Romero**, Judge, Treatment Programme under Judicial Supervision (TSJ). **Dominican Republic**

15:15h-15:30h: **Coffee break**

15:30h – 17:00h **Working groups**

**End second day**



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Thursday June 29<sup>th</sup>

08:30h – 10:00h **Panel 6: Key elements and challenges of strategies and implementation mechanisms for alternatives to imprisonment and their applicability in the context of Latin America and the Caribbean**

- **Catalina Droppelman**, Executive Manager, Crime Social Studies Programme, Universidad Católica de **Chile**
- **Luiz Guilherme Paiva**, Coordinator of Legal Studies, Brazilian Institute of Criminal Sciences, **Brazil**
- **Ernesto Cortes**, IDCP, Latin America and the Caribbean. Executive Manager of the Costa Rican Association for the Study and Intervention on Drugs, ACEID, **Costa Rica**
- **Stephane Haisley**, Judge, Supreme Court of Justice, **Jamaica**

Chairperson:

**Berenice Santamaría**, Director of International Cooperation, CONADIC, **Mexico**

Rapporteur:

**Iván Rendón**, Director of Centro de Menores Infractores de la Fundación Hogares Claret, **RIOD**

10:00h-10:30h: **Coffee break**

10:30h – 12:00h **Panel 7: Implementation mechanisms and levels and relevant variables regarding how the alternatives to imprisonment are implemented**

- **Michelle Morales**, Deputy Director, Office of Policy and Legislation, US Department of Justice, **USA**
- **Alberto Nieto**, Expert of the Attorney General's Office, **Colombia**
- **José María Lombardo**, Lieutenant Prosecutor, Special Antidrug Prosecutor's Office, **Spain**

Chairperson:

**Jorge Chavarría**, Secretary General, **AIAMP**

Rapporteur:

**Stella Mary Llorente**, Public Prosecutor, **Uruguay**

12:00h-13:30h: **Lunch hosted by COPOLAD**

13:30h – 15:00h **Working groups**

15:00h-15:15h: **Coffee break**

15:15h – 16:45h **Conclusions, rapporteurs and working groups sharing**

Chairperson:

**Fernando Manuel Ceijas Martínez**, Service Officer, CITCO, **Spain**

Rapporteur:

**Kuba Sekowski**, Expert Chief, Ministry of Justice, **Poland**

16:30h – 17:00h **Closing**

**End of the Meeting**