

COPOLAD III - Rights-based approach

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1. Description

1.1. Action

COPOLAD III - Cooperation Programme between Latin America, the Caribbean and the European Union in the field of drug policies.

1.2. Organizations

FIIAPP – Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas.

IILA – Istituto Italo – Latino Americano.

1.3. Members and collaborating partners in the action

The project's partner institutions are: DG INTPA, FIIAPP, IILA and the collaborating entities in the implementation of the programme on a grant basis (EMCDDA and GIZ). The active collaborating entities are the Spanish Government Delegation for the National Plan on Drugs DGPND (Ministry of Health), the Centre for Intelligence against Terrorism and Organised Crime (CITCO) of the Spanish Ministry of Interior, the Italian Ministry of Interior (with the Office of Police Coordination and Planning and the Central Directorate of the Anti-Drug Service - DCSA) and the Italian Ministry of Justice (with the Italian Anti-Mafia and Anti-Terrorist Directorate - DNA), as well as other potential EU partners. In addition, other Directorates General of the European Commission.

1.4. Countries and regions

- 33 LAC National Agencies responsible for the design and implementation of evidence-based drug policies.
- Other public institutions in LAC countries working in the different areas covered by the programme, such as Ministries of Health, Interior, Justice, Foreign Affairs, Police Anti-Drug Units, Gender Equality Mechanisms, Prosecutor's Offices, Financial Intelligence Units, etc. A "whole-of-government" approach will be promoted to ensure sustainability.
- Civil society organisations (e.g., IDPC) engaged in relevant aspects of the drug policy field.



- The Programme will also benefit people affected by drug use and those indirectly related to it (direct care workers, law enforcement, families, etc.).

2. Summary of the action

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The current situation regarding the illicit drug phenomenon in Latin America and the Caribbean is complex and changing, impacting economies, the peaceful functioning of fundamental aspects of democratic governance in the region, as well as the health and well-being of many communities. Recent reports from national and international agencies report a steady increase in production, trafficking and problematic use in the region, only slightly affected by the mobility restrictions imposed by the health crisis. The COVID-19 pandemic has contributed to significant changes in the economic and social context.

The implementation of anti-drug interventions over the last decades has also generated impacts on many dimensions of sustainable development (human rights and fundamental freedoms, social and economic inclusion and cohesion, gender equality, peace, access to basic services, access to justice, etc.), which further distances the countries of the region from the Sustainable Development Goals and their targets for 2030 and from the orientations and conclusions agreed at the UNGASS on Drugs in 2016.

COPOLAD III builds on the progress made in previous phases, is based on a results-oriented methodology, and has been constructed based on the needs and demands of the countries of Latin America and the Caribbean.

On this occasion, COPOLAD incorporates two new aspects in its cooperation work: on the one hand, it will address national needs, beyond regional or multi-country dynamics; on the other hand, it will deploy innovative processes for the design and development of public policy solutions as part of the programme's strategic tools.

In this third phase, COPOLAD will work on the following areas and lines of action:

Outcome 1: Strengthened technical capacity and institutional role of National Observatories on Drugs. The programme will deploy a work focused mainly on the generation of greater added value from the National Observatories in different dimensions of their work:

Outcome 2: Coherence, balance and quality of policies related to drug use improved. COPOLAD III will support the LAC region to continue to improve the quality, effectiveness and evidence base of policies related to drug use, as well as the availability and access to interventions and services, through dialogue, cooperation and technical assistance based on the needs of the countries, thus enhancing the relevance and comprehensiveness of public policies on drug use. COPOLAD III focuses on the most vulnerable populations in order to develop systems and interventions to support the most vulnerable and populations with the most difficulties in accessing care services.

Outcome 3: Increased number of LAC countries that have designed and implemented drug supply reduction policies based on human rights, gender, social inclusion, sustainable development and public security.

COPOLAD III aims to improve the results and reduce the negative impact on sustainable development in LAC of supply reduction policies based exclusively on drug interdiction, arrest and prosecution of minor actors in the illicit market. The proposed actions aim to support public policies that offer comprehensive solutions, combining solid intelligence work and impact on the finances and power of criminal organisations with strategies and interventions for citizen security and development, decent employment, social protection, legality and trust in institutions, with a special focus on the most vulnerable groups and women.



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In the field of integral and sustainable alternative development, COPOLAD will continue to focus on improving the capacities of public actors involved in these processes, sharing best practices and experiences and the latest knowledge worldwide.

In relation to drug trafficking issues, COPOLAD III will continue to work to facilitate and remove legal and practical obstacles to police and judicial cooperation between the countries of the region and those of the EU, improving capacities, knowledge and the practical implementation of tools such as special investigative techniques by actors in the law enforcement chain.

On the other hand, in the area of prevention and fight against money laundering, COPOLAD III will also work to facilitate police and judicial cooperation in this area, strengthening legal frameworks and their implementation to adapt them to international standards and key aspects of inter-agency coordination, including the possibility of developing joint units.

A line of work is included to reduce the impact on sustainable development of interdiction and supply control policies. Improvements in the responsiveness and proportionality of penal frameworks to drug-related challenges and the development of alternatives to arrest or imprisonment that reduce re-offending will be supported. The programme's innovation tools will be used to generate novel intervention proposals in the latter area.

Work to improve the effectiveness of systems for the control and monitoring of precursor chemicals and controlled substances and to address the risks of their impact on safety, health and the environment remains a priority.

Outcome 4: Increased opportunities for political-technical dialogue between the two regions (EU-LAC) on the nature of drug-related problems and the best ways to address them.

Continued support will be given to building strong and effective working relations through joint and permanent coordination with the EU-CELAC Coordination Mechanism; the Council of the EU; the European Commission (DG INTPA, DG Home Affairs) and EEAS, CELAC Diplomatic Missions in Brussels, and other key counterparts.

3. Rights-based approach and related activities

3.1. Programme Proposal

General Objective: Contribute to the reduction of drug demand and supply in LAC countries, facilitating and supporting the necessary context for the implementation of drug policies to be more balanced, evidence-based, comprehensive and, therefore, more effective, fully respecting the national sovereignty of each LAC country and the principles of non-interference in the internal affairs of States.

Specific objective: Improve the design and implementation of drug demand and supply reduction policies in LAC countries, ensuring an approach based on evidence, public health, gender and human rights.

3.2. Background on the rights-based approach and drug policies

The current situation regarding the illicit drug phenomenon in Latin America and the Caribbean (LAC) is complex and changing, with a growing impact on economies, the peaceful functioning of fundamental aspects of democratic governance in the region, as well as the public health and well-being of many communities. Recent reports from national and international agencies report a steady increase in production, trafficking and problematic use in the region, only slightly affected by the mobility restrictions imposed by the health crisis.



The COVID-19 pandemic has contributed to significantly modifying the economic and social context in Latin America and the Caribbean: poverty and, especially, extreme poverty has accelerated its incidence and there is a greater risk of the most vulnerable population groups participating in illicit economic schemes to avoid the consequences of this crisis.

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The effects of the pandemic and the increase in consumption and production in the region are not unrelated to the proliferation of illicit drug trafficking and transnational organised crime towards the main markets of Europe and the United States. New forms of illicit drug trade have contributed to providing a response to rising demand, despite the confinement of the COVID-19 restriction measures. In parallel, an intensification of irregular migration flows in the region has exposed new social groups to the consequences of drug trafficking and consumption and the dynamics of their markets, with a sensitive risk for migrant families, women and minors.

The implementation of anti-drug interventions over the last decades has also generated undesired impacts on many dimensions of sustainable development (human rights and fundamental freedoms, social and economic inclusion and cohesion, gender equality, peace, access to basic services, access to justice, etc.), which tends to further distance the countries of the region from the Sustainable Development Goals (SDGs) and their targets for 2030, and from the orientations and conclusions agreed at the UNGASS on Drugs in 2016. At this Special Session on Drugs of the UN General Assembly it has been recognised that a purely repressive approach to drug control has negative consequences because it ends up reinforcing illicit markets, recomposing them or temporarily displacing them in processes that do not address their structural aspects or focus on the social vulnerability of the affected communities. In this sense, public drug policy efforts must insist on respect for human rights and dignity and ensure that the dynamics of citizen security and the multiple additional dimensions of sustainable development generate alternative dynamics for the wellbeing of communities.

COPOLAD III builds on the progress made in previous phases, is based on a results-oriented methodology, and has been constructed on the basis of the main needs and demands identified in the participating countries of Latin America and the Caribbean.

On this occasion, COPOLAD incorporates two new aspects in its cooperation work: on the one hand, it will address national needs, beyond the dynamics at regional or multi-country level, seeking to contribute to a more comprehensive and effective territorial management of policies and, on the other hand, it will deploy innovative processes of design and development of public policy solutions and social innovation, as part of the programme's strategic tools and response mechanisms that countries can implement according to the particularities of their problematic contexts and priorities.

3.3. Justification of the approach

Taking into account this panorama and general trends, in which structural aspects are combined with conjunctural realities marked by specific contexts in which numerous social vulnerabilities converge, with strong institutional weaknesses and budgetary restrictions, the third phase of COPOLAD is committed to a strategy aligned with the fundamental principles established in the EU Strategy on Drugs and in the OAS Hemispheric Strategy on Drugs 2020, both committed to respect for human rights and the importance of addressing drug policies with the 2030 Agenda as a fundamental reference.

COPOLAD III bases its actions on fundamental principles of cooperation that are committed to dialogue, coordination between key institutional actors and levels of government, and shared responsibility to address common challenges. All of this, basing the proposed actions on evidence and ensuring the full integration of key aspects that must be present and become central aspects of public policies on drugs: respect for human rights, gender equality and women's empowerment, public health and harm reduction, citizen security and strengthening the rule of law.



Through bi-regional, bilateral, triangular and South-South international cooperation tools, and as in previous phases, COPOLAD III aims to continue generating a privileged space for the interaction of institutional partners from the European Union and Latin America and the Caribbean, to analyse and discuss the main challenges related to the design and implementation of drug policies, with the possibility of initiating transformative and innovative processes aimed at improving the effectiveness of interventions and, at the same time, improving their results for sustainable development. All of this, considering a conflict-sensitive and "action without harm" approach in the contexts or areas of intervention.

This approach is based on a broad approach to sustainable development that acts as an integral umbrella for the action and coherence of public strategies and policies on drugs, and implies that they have the coherence, stability and continuity required to consolidate their achievements. Policies that in turn do not represent a factor that negatively affects the sustainable development of communities or countries, and that on the contrary, should become an element to facilitate and promote locally an inclusive integral human development for all, putting people first and leaving no one behind. In this sense, many of the proposed interventions aim to address the spaces and groups of people in conditions of precariousness, inequality and poverty, where the greatest vulnerabilities and suffering linked to both the different dimensions of the drug phenomenon and the policies designed to address them converge.

The promotion, protection and full access to rights will therefore be at the centre of the interventions promoted in the countries, paying specific attention to the reduction of inequalities and discrimination in all actions. In this sense, multiple fundamental rights are addressed, such as: the right to life, health, freedom and security, the right to physical integrity and to a life free from violence, the right to dignified treatment, the right to equality and non-discrimination, the right to justice and due process, the right to participation, the right to development, the right to access social security systems, or the right to access information, among others.

The programme considers, as does the European Drug Strategy, the "International Guidelines on Human Rights and Drug Policy", a document developed by a coalition of UN Member States, WHO, UNAIDS, UNDP and leading experts in human rights and drug policy, as the fundamental reference in this work.

Programme outcomes are therefore directly linked to human rights and specific SDGs. The design of actions considers how these rights are affected, and in particular how women and other groups particularly vulnerable to discrimination and abuse of their rights are affected.

In this sense, we work under the differential and intersectional approach towards the specific needs and implications of different population groups according to their greater vulnerability, such as indigenous/afro, migrant, youth, elderly, in order to determine which differences are relevant to ensure the effective enjoyment of rights.

As COPOLAD's emphasis is on working to improve public drug policies under a human rights-based approach, the commitment to public institutions as duty bearers to respect, protect and enforce each right will be reinforced, as well as working with the affected population and especially with the most vulnerable groups as rights holders.

In the four components of the project, knowledge is systematised, and learning is incorporated from different areas, as part of the training that will be implemented throughout the implementation period on the drug problem and sustainable development, under a rights-based approach.

The integration of the gender perspective is worked both from the implementation of specific positive activities, with a differentiated approach in each component, and from the transversality that is sought to promote, following what the European Commission calls the dual approach. In its "Strategy for

Gender Equality 2020-2025", the European Commission bases its implementation on a dual approach of specific measures to achieve gender equality, combined with greater gender mainstreaming. This dual approach will be followed for the inclusion of gender equality in the programme components and activities. Positive actions, understood as specific measures to guarantee and balance the participation of women in the different spheres of society and contexts of intervention, with mainstreaming throughout the programme.

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The gender mainstreaming proposal is also framed within the EU Gender Action Plan III (GAP III). COPOLAD III, in line with the priorities of GAP III, advocates adopting a gender transformative approach, challenging, examining and supporting change in gender norms and power imbalances that disadvantage women and girls. It aims to do this by working hand in hand with local actors and communities, civil society organisations and women's organisations.

The programme will address gender intersectionality in relation to other forms of discrimination. The focus will be on the most disadvantaged women, e.g., indigenous women, persons belonging to racial/ethnic minorities, forcibly displaced women, migrant women and, in general, economically and socially disadvantaged women in marginal urban and rural-dispersed areas. It considers the specific challenges for girls and women throughout their life cycle. It addresses the multiple discriminations that women suffer, based on their different identities, which influence their access to rights and opportunities. From this differential and intersectional approach, work with the LGBTIQ+ population and other social groups will also be addressed, considering their particular dimensions of exclusion and risk factors related to the different dimensions of the drug phenomenon.

Finally, it should be noted that in terms of the design and implementation of drug policies, the three approaches that we seek to incorporate - sustainable development, human rights and gender - are practically indivisible or interdependent in terms of their vision and strategic coherence, as well as in their practical approach in the specific contexts of the countries. In this sense, the programme's cooperation actions may have a specialisation or focus related to each approach and problem area, although in most cases and contexts they are necessarily addressed in a joint and integrated manner.

3.4. COPOLAD III Programming. Lines of action and activities in the human rights approach

R	LA	ACT	ACTIVITY	YEAR	BEGINING	END	S	O	N	D	E	F	M	A	M	J	J	A	S	O	N	D
ACTIVIDADES TRANSVERSALES CONEXAS AL TRABAJO DE APOYO AL MECANISMO																						
		T.1.	Conceptualisation and consolidation of the sustainable development approach, human rights and gender equity in the framework of public policies on drugs.																			
T	T.1	T.1.1	Expert webinar for the discussion and definition of the content of COPOLAD Guide on rights and drug policies.	2022	03/10/2022	03/10/2022																
T	T.1	T.1.2	Elaboration of a COPOLAD Guide for the design, implementation and evaluation of drug policies under a sustainable development approach, incorporating human rights and gender equity dimensions. To be presented at a meeting of the Mechanism.	2022	15/07/2022	15/02/2023																
T	T.1	T.1.3	Development and delivery of two online courses with the materials of the guide (Connect FIAPP Platform), aimed at drug policy operators in LAC and Spanish and English.	2022	15/02/2023	15/05/2023																
T	T.1	T.1.4	3 side events (1 presentation and 1 per year) at the UN CND meetings in Vienna on different aspects of COPOLAD's approach to sustainable development, human rights and gender.	All	00/01/1900	00/01/1900																
		T.2	Improving the human rights outcomes of drug supply control policies.																			
T	T.2	T.2.1	Bi-regional webinar on the impact of drug control policies on human rights for decision makers and technical staff of institutions in charge of supply control interventions.	2023	00/01/1900	00/01/1900																
T	T.2	T.2.2	Bi-regional webinar on best practices in policy reform, regulation and drug supply control interventions for better human rights outcomes.	2023	01/02/2023	01/02/2023																
		T.3.	Study of the negative impact on the environment linked to illicit drug production and trafficking and supply reduction interventions.																			
T	T.3	T.3.1	1 Technical Assistance for the elaboration of 1 study on the impacts on the environment in LAC of illicit drug production and trafficking activities and drug supply reduction interventions. Presentation of the conclusions at the High-Level Meeting of the Mechanism.	2023 y 2024	01/06/2023	01/02/2024																

3.5. LAC Countries' interests in participating

At the beginning of 2022 year, the approved Programme proposal was sent to the countries so that they could ratify their interest in participating in the different lines of action. In relation to the precursors line, these were the countries that expressed their interest:

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COPOLAD III Action Lines	Participation dimensions				
	Regional Dimension	National Dimension,	Facilitating expertise and best practices	Interest in participating in the working group	Interest in coordinating/leading the working group
Sustainable development, human rights and gender equality in drug policies: improving the human rights outcomes of drug supply control policies.	Antigua Bahamas Colombia Cuba Ecuador Jamaica Peru (DEVIDA) St. Cristobal St. Vincent Suriname Venezuela	Antigua Bahamas Belize Bolivia Brazil Chile Colombia Costa Rica Ecuador El Salvador Guatemala Jamaica Panamá Paraguay Peru (DEVIDA) Dominican Rep. St Cristobal St Lucia St Vincent Suriname Trinidad and Tobago Uruguay Venezuela	Bahamas Ecuador Guyana Peru (DEVIDA) Suriname Venezuela	Argentina Bahamas Barbados Belize Colombia Costa Rica Ecuador Guatemala Jamaica Peru (DEVIDA) Dominican Rep. St Cristobal St Vincent Suriname Trinidad and Tobago	Peru (DEVIDA)