

## **FORUM ON "MICRO-TRAFFICKING: CHALLENGES AND EFFECTIVE RESPONSES FOR LATIN AMERICA AND THE CARIBBEAN".**

Oitão Preto Community, Fortaleza (Brazil). 26 April, 2023

### **Forums on more humane and effective drug policies.**

Support from COPOLAD III Programme to the European Union, Latin America, and the Caribbean dialogue within the framework of the EU - CELAC Coordination and Cooperation Mechanism on Drugs.

### **BACKGROUND PAPER FOR THE DEBATE**

"Evolution and impact of drug micro-trafficking in Latin America after the COVID19 pandemic".

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### **Introduction**

The COVID-19 pandemic and growing global instability have had a significant impact worldwide, and Latin America and the Caribbean have been no exception. Their structural problems have been exacerbated, increasing the vulnerability of many of their inhabitants and the difficulties of states to respond to their challenges. As UNODC reports indicate, and as in the rest of the world, there is a perceived increase in illicit drug use in the region, and a consequent increase in illicit drug micro-trafficking.

Micro-trafficking of illicit drugs refers to the sale and distribution of drugs in small quantities, usually in public places or private residences. However, micro-trafficking as a concept encompasses multiple particularities and hides diverse social realities but is generally characterised by its correlation with situations of vulnerability.

During the COVID-19 pandemic, illicit drug micro-trafficking increased in Latin America and The Caribbean due to the decrease in economic activity and the increase in unemployment in the region. According to data from the United Nations Office on Drugs and Crime (UNODC), illicit drug micro-trafficking in Latin America has increased by 34% during the pandemic.

The increase in illicit drug micro-trafficking in Latin America and the Caribbean (LAC) has an impact on security and public health in the region, but it is also a reflection of the changing and worsening social situation and the capacity of the state to effectively exercise its role, becoming a vicious cycle that must be broken.

### **Impact on consumption**

While many trafficking and micro-trafficking chains were affected during periods of confinement in many countries, this paralysis was quickly overcome and fed back into the negative impacts left by the pandemic, including increased incidence of mental health problems, loss of jobs and livelihoods, especially for women, and the closure of educational establishments in many countries.

The COVID-19 pandemic has also had a significant impact on illicit drug use in LAC. According to data from the Inter-American Observatory on Drugs of the Organisation of American States (OAS), illicit drug use in LAC countries has increased by 23% during the pandemic.

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## Organised crime and micro-trafficking

The 2021 study conducted by the European Union (EU)-Latin America Programme, El PACCTO<sup>1</sup>, identified at least 436 major organised crime groups in seven Latin American countries, including Mexico, involved in more than one criminal activity. These are mainly cartels involved in drug trafficking. "The majority of 436 organised criminal groups in Latin America - cartels, gangs, gangs and family clans - are mainly involved in drug trafficking, which is responsible for the high levels of violence in the region".

Specifically, out of 147 groups linked to drug trafficking, 142 are involved in trafficking cocaine, synthetic drugs, NPS and precursors, and five in cannabis trafficking. Some combine these activities with other illicit activities: 102 are involved in property crime, vehicle theft; 108 in organised robbery and theft; 98 are involved in murder, extortion, and human trafficking; five in cybercrime; and three in environmental crime.

Using SOCTA's (Serious and Organised Crime Threat Assessment) tried and tested method for assessing serious and organised crime threats in the EU, they found that there are seven areas of crime with the greatest impact in the region, plus an eighth cross-cutting area, considered a priority for member countries. These are: drug trafficking; human trafficking, for sexual, labour, or migrant exploitation; cybercrime, phishing, ransomware, fraud/cheating; property crime led by vehicle theft; alcohol, food and electronics smuggling; environmental crime, such as wildlife trafficking and illegal mining. As well as illicit trafficking in firearms, money laundering, both as a cross-cutting crime and as a specialised service provided by certain criminal groups to others. Criminal activities cannot be understood in isolation, there is a close relationship between the dynamics of the networks of trafficking in migrants, drug trafficking, illegal mining, illegal logging, arms trade, etc.

These activities merge very effectively with other licit activities such as cattle farming, some agricultural holdings, or even personal micro-credit. Moreover, not all criminal activities are associated with violent phenomena, and if they are, their structure and magnitude vary radically. Organised crime must therefore be understood in its local and idiosyncratic particularities, while also understanding its international connections and the structure of power and interests.

In analysing the particularities of criminal presence, there are significant variations in the organisations that use micro-trafficking as a livelihood, and their structure, strategy and goals vary radically. At the local level, crime takes advantage of the particularities and advantages of each place and the relations of cooperation, competition, or elimination that it can establish with other actors, including the state. The presence can be symbiotic or parasitic, depending on the capacity to control and the level of fragility of the environment; in LAC countries, both situations exist.

Where there are State gaps or weaknesses, criminal groups can co-opt control of criminal activities, but also of the management of the population's daily life, in whole or in part. Elsewhere, they have a more parasitic presence and focus solely on profit-making and evading justice. In both cases, these dynamics can generate diverse types and levels of violence.

This information is relevant to understanding the structure, impact, and complexity of organised crime in the region. However, the case of micro-trafficking is even more complex, given that it takes place in structures with different systems of relationships with organised crime. In fact, micro-trafficking does not always correspond to an organised crime activity.

The actors in micro-trafficking may be organised, or they may be individuals who do it in a personal way. Their subsidiary nature to organised crime often makes them also victims and they are, in general, a weak

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<sup>1</sup> El PACCTO UE (2021) Evaluación de la amenaza del crimen transnacional organizado en Latinoamérica 2021

link in the chain, given that most of the concentration of resources and power tends to be in the hands of cartels and large criminal groups.

This vulnerability also makes them more susceptible to capture by law enforcement agencies, without this action necessarily reducing the activity of organised crime or altering its functional structure.

For this reason, in designing policies to control micro-trafficking, it is important to understand and emphasise its particularities and to understand the relative position of small-scale traffickers, not only vis-à-vis larger criminal structures, but also within the community in which they operate.

In addition, it is necessary to develop specific approaches to understand the particularities of the situation of women or minors involved in micro-trafficking activities, both from the point of view of the reasons for their involvement and the impact that micro-trafficking and the associated dynamics have on them.

### Tough hand and social vulnerability



Latin America and the Caribbean remains the most violent region in the world. For much of the region, 2022 marked a record high in homicide rates. This coincides with other related issues, such as a record level of cocaine production, the continued fragmentation of criminal groups and the increased flow of weapons across the region. Moreover, 39 of the world's 50 most dangerous cities are in LAC. In Bogotá alone, as of 10 March this year (2023), 45 murders had been committed as a result of rivalry between micro-trafficking

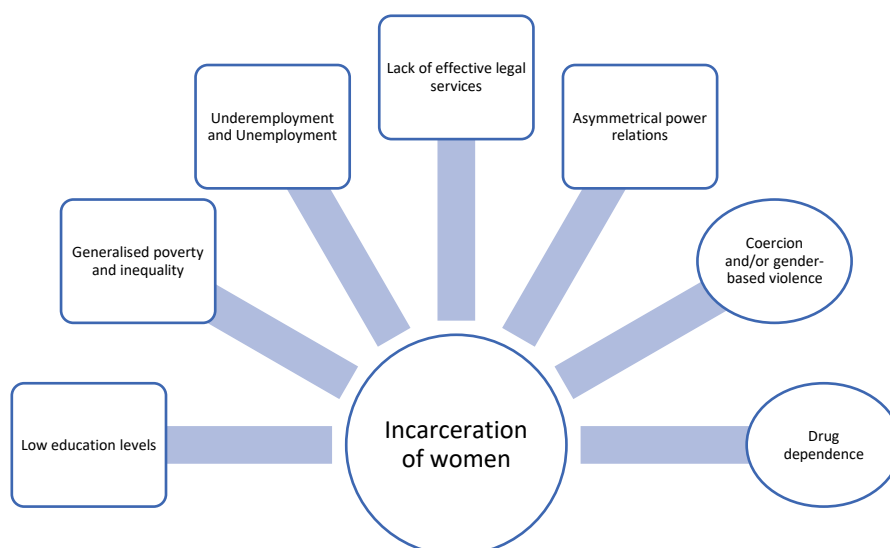
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gangs<sup>2</sup>. This reality, and its impact on the quality of life of the people who live in the region, cannot be ignored.

Nor can it be ignored that violence and its consequences have driven hard-line, punitive, and militaristic policies throughout the region. These policies generally include repressive measures against low-ranking criminals and minor offences; in addition, they result in the reduction or suspension of due process guarantees and the use of military forces for citizen security tasks for which they are not trained. Proponents of these "mano dura" policies see them as necessary to control crime, while detractors claim that they may violate human rights. Despite the increasingly prominent role of the military in law enforcement in developing countries, empirical evidence on the effectiveness of such policies remains scant<sup>3</sup>.

The processes of increasing sentences or lowering the age of criminal responsibility, coupled with increased social vulnerability, growing international demand for drugs and the power of organised crime, have constituted a cocktail that has pushed LAC's justice and prison systems to their limits. In 2021, overcrowding in Haiti reached 454%; in Ecuador, one of the countries in the region with the lowest rate of prison overcrowding (114%, Feb.2023), serious prison riots broke out.

Drug micro-trafficking has been one of the phenomena that have nurtured this situation and, in fact, the growing involvement reflected in their imprisonment, of women, young people and immigrants, particularly vulnerable groups, is a cause for concern.



Factors leading to the incarceration of women for drug offences, adapted from the original by WOLA (2020).

According to a 2018 study of women in prison in eight Latin American countries, women rarely commit violent crimes. They usually occupy the lowest rungs in the organised crime chain and, 62 percent of them, it is the first time they have been behind bars<sup>4</sup>. One of the offences for which they are most frequently

<sup>2</sup> INFOBAE, 10/03/2023 Guerra de mafias por el microtráfico en el sur de Bogotá: van 45 muertos en lo corrido del año.

<sup>3</sup> Albarracín, J. (2023) Crimen Organizado en América Latina, Análisis Friedrich Ebert Stiftung; Rodrigues, T. y Rodriguez, E. (2020) Militarización y seguridad pública en las Américas, N 51.

<sup>4</sup> WOLA (2020) Mujeres encarceladas por delitos relacionados con drogas en América Latina.

imprisoned is carrying or selling drugs in small quantities. Their role in micro-trafficking is relevant, as is the impact of imprisonment, which exacerbates structural gender inequalities.

These data cannot be dissociated from the social impact of the increase in the prison population. In 2019, it was estimated that in 25 countries in the region there were between 1,710,980 and 2,307,048 children and adolescents with at least one parent deprived of liberty, of whom between 359,305 and 484,480 have at least one parent deprived of liberty for drug offences.

Criminalisation processes generate areas of exclusion and are an asset on which criminal actors feed and which feed the cycles of intergenerational violence. It should not be forgotten that in Latin America and the Caribbean, 12 million children and adolescents do not participate in the formal education system. This situation is caused by various social and economic factors such as their families' income, the areas in which they live, the groups to which they belong (migrants, indigenous populations, Afro-descendants) and their exposure to violence, among others. In addition, people migrating within the region also face higher risks of exposure to human trafficking and migrant smuggling, due to their limited access to safe, orderly, and regular migration, humanitarian assistance, protection mechanisms, networks, and other support systems<sup>5</sup>.

In understanding the phenomenon of micro-trafficking and its public policy approach, an economic inclusion dimension cannot be absent. The lack of stable economic alternatives is a factor that fuels vulnerability to crime and involvement in these dynamics.

In this regard, informal employment accounts for more than half of all employed people in LAC<sup>6</sup>. With nearly eight out of every ten workers employed in the informal sector in 2020, Bolivia has the highest rate of informality in the region, and Ecuador, Peru and Colombia have more than 60% of their population employed in informal wage jobs. Meanwhile, in Mexico and Brazil, the largest Latin American economies, this percentage rises to 57% and 47%, respectively. In the south of the continent, Chile, and Uruguay show, on the contrary, more formal than informal employment, both with an informality rate below 30%<sup>7</sup>.

Informality implies not only instability or job insecurity in many cases, but also difficulties in accessing social protection and insurance systems. During the pandemic, great progress was made with the implementation of "emergency" systems to address the paralysis of economic activity through universal transfer systems, guaranteed minimum incomes and other systems which, according to the available evidence, improve people's social mobility and reduce their vulnerability<sup>8</sup>.

Although there is still no concrete evidence on the impact of these systems on involvement in illicit activities, the reduction of social vulnerability is a relevant effect to enhance this type of measures.

On the other hand, it is essential to have employment policies and programmes aimed specifically at people at risk or involved in micro-trafficking. Employment stability and sustainability are indispensable, which is why it is necessary to develop programmes aimed at stabilising incomes and reducing precariousness in the long term. Formal employment in the business labour system should be a viable alternative, together with alternatives for self-generation of income.

### **Refining measures in each context and making them coherent.**

Social policy is a fundamental element in any effective security strategy. For security interventions to be successful, it is necessary to coordinate the different actors involved, including security forces, political actors, the private sector, and civil society. One of the common mistakes in law enforcement-only

<sup>5</sup> UNICEF

<sup>6</sup> International Labour Organisation (2022).

<sup>7</sup> Chevalier Naranjo, S. (16/02/2022) ¿A cuánto asciende el empleo informal en América Latina? Statista.

<sup>8</sup> CEPAL (2023) La protección social de los ingresos en América Latina y el Caribe: debates sobre opciones de política

interventions has been the lack of processes for rebuilding a comprehensive institutional presence, which has left the population unprotected. It is also important to care for and support the recovery of the social fabric, which in many cases is a victim of organised crime and violence. This implies coordination at different political and public administration levels, between central and local governments, to achieve broad objectives.

Moreover, in the formulation of objectives, critical targeting and long-term planning are necessary. The pursuit of immediate results has in many cases led to policies that are effective in the short term but counterproductive in the long term. It has also weakened systems for guaranteeing rights, transparency, and reparation for victims, turning states into agents of human insecurity, a serious situation because it further weakens public confidence in institutions<sup>9</sup>.

Coordination must be effective and sustainable in the long term and, to achieve this, it is necessary to improve systems for planning interventions and improving coordination between actors. In addition, the links between citizen security action and civilian action must be strengthened, and the use of militarism to manage social problems and represent interests must be limited. It is important to remember that every capacity of the state has a role to play, and it is not just a matter of regaining the monopoly of authority and preventing crime, but of strengthening the state as a whole.

In the social sphere, it is necessary to address the needs for alternatives to the social deficits on which organised criminal action is built, i.e., to establish the aforementioned effective measures in terms of economic and social inclusion. It is also necessary to pay attention to the links between organised crime and common crime, and to seek not only their criminal but also their social connection. The aim is to underpin social structures and resist the impact of crime, therefore it is necessary to include the family, schools, and civil society organisations as allies in the social strategy.

The fight against crime requires not only police and military, but also anthropologists, sociologists, health professionals, educators, social workers, economists, and many other professionals who can help to understand the contexts and factors that lead people to crime and the coerciveness of crime. In addition, penal and socio-economic alternatives for petty offenders must be offered and the specific needs of women linked to the weakest links in the drug production and distribution chain must be addressed.

In short, to achieve an effective security strategy, it is necessary to place social policy at the centre, coordinate the different actors involved, underpin social structures, and offer penal and social alternatives to prevent crime. Only in this way can we break the cycles of violence, recidivism and intergenerational poverty and build a safer and fairer society.

### Strategies at regional level

In a regional approach to the social challenge of micro-trafficking, several aspects need to be addressed. Firstly, it is necessary to propose high-level dialogues on the limits and negative effects of the war on drugs as a global strategy. It is also necessary to propose new, innovative, evidence-based and, above all, effective solutions. This is only possible if it is based on a critical vision and a will for political change.

At the regional level, it is necessary to continue working on understanding the links between transnational networks and local expressions of illicit drug trafficking. It is also essential to reinforce efforts to attack the windows of opportunity in the international system for money laundering. In this regard, it is necessary to

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<sup>9</sup> Rodríguez, E; y Rodrigues, T «Mano dura» y democracia en América Latina: seguridad pública, violencia y estado de derecho; América latina hoy: Revista de ciencias sociales, ISSN 1130-2887, VOL. 84, 2020 (Ejemplar dedicado a: (Re)construcción democrática tras contextos de violencia política), págs. 89-113.



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strengthen financial and fiscal cooperation mechanisms to identify the capital of irregular origin that sustains these networks.

It is also important to specifically address the vulnerability of the migrant population, who are often victims of these criminal networks. The regional migration crisis must address and prevent violent expressions based on the erroneous association between migration and increased crime.

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