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**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

**SIXTY-SECOND REGULAR SESSION
December 13 - 15 , 2017
Washington, D.C.**

**OEA/Ser.L/XIV.2.62
CICAD/doc.2356/17
13 December 2017
Original: Español**

ALTERNATIVES TO INCARCERATION FOR DRUG OFFENSES IN COLOMBIA



Alternatives to Incarceration for Drug Offenses in Colombia



Colombia's position on UNGASS 2016 - achievements obtained

Recognition of the need for drug policies to be based on human rights and public health approaches

EL TIEMPO

POLÍTICA JUSTICIA PROCESO DE PAZ GOBIERNO COP

Santos le propone al mundo un cambio en la lucha contra las drogas

En UNGASS 2016 dijo que Colombia no aboga por la legalización de las drogas.



- ✓ The purpose of the three (3) international conventions on drugs is to safeguard the health and well-being of humanity. **Drug policies should be centered on human beings and their rights.**
- ✓ Public health and human rights approach. Prevent and mitigate the negative impacts of the misuse of psychoactive substances on the individual, the family and the community - gender approach.
- ✓ **Alternative measures to the deprivation of liberty for minor crimes related to drugs - proportionality of sentences for drug-related offenses.**
- ✓ Recognize the autonomy of the States to implement the Drug Conventions with greater flexibility.
- ✓ **Territorial and comprehensive approach, closely linked to development policies in order to reduce vulnerabilities**

Advances of Colombia in the application of ATI



Differential penal treatment for small growers

1



Feasibility study of the implementation of DTC in the SRPA

2



Judicial Monitoring Program for Drug Treatment in the SRPA with the endorsement of the National Coordination System of the SRPA

3



Design and implementation of a pilot test of the Judicial Monitoring Program for Drug Treatment in the city of Medellín

4



Methodological document for the implementation of the Program of Judicial Follow-up to Drug Treatment in the SRPA

5

FINAL PEACE ACCORD

Establishes differential criminal treatment for small farmers who are or have been linked to crops for illicit use

- ✓ Around 80,000 families are involved in illicit crops (SIMCI)
- ✓ As of December 2016, the prison population for the crime of conservation or financing of plantations is 198 people.
- ✓ Of the 198 people, 9 are women and 189 are men.
- ✓ 78 people are accused and 120 are sentenced in different modalities of deprivation of liberty, such as intramural, electronic control and house arrest.

Objective: Establish a differentiated criminal treatment that allows the renunciation of the criminal action and the extinction of the punishment for the growers

Period: One (1) year counted from the effective date of the law. NO indefinite application in time.

Judicial Follow-up Program for Drug Treatment in the Criminal Responsibility System for Adolescents-SRPA

What is it?

An alternative to entering the judicial system and the use of custodial measures, in which an adolescent in conflict with the criminal law for a lesser offense related to problematic drug use, enters a comprehensive treatment program under strict judicial supervision and follow-up in hearings.

What is the objective?



Reduce recidivism in crimes associated with consumption



Prevent or reduce drug use in relation to crimes



Access to health and treatment of problematic drug use for offenders



Promote educational, recreational and employment services geared towards re-socialization

- The consumption of drugs is a matter of public health and access to treatment is included in the Health System (Law 1566 of 2012).
- Candidates are adolescents between 14 and 18 years old with problematic drug use, and a probable relationship between consumption and crime.
- A comprehensive assessment of the adolescent is carried out, in order to establish the specific treatment plan for each person.
- Social inclusion is a parallel component to treatment, as is reintegration of the family.



The Program is based on an alliance between the judicial team and the treatment provider.

Pilot Design and Launch

1) Review international state of the art on DTCs

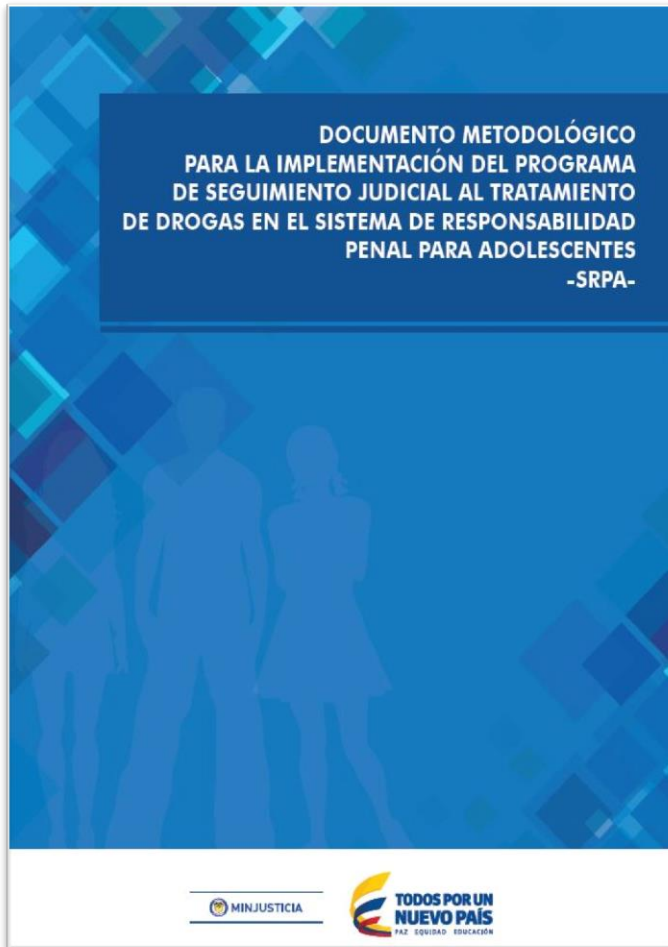
2) Conduct a feasibility study of the DTC model in Colombia.

3) Raise awareness of the Program before SRPA stakeholder agencies

4) Workplan design and validation

5) Conduct training with legal and health stakeholders

- The city of Medellín was chosen for its offer in treatment services, the familiarity of the justice actors with the TTD model and the willingness of the institutions to innovate towards alternative proposals.
- The Program was promoted as part of an alliance with the Colombian Institute of Family Welfare, the Ministry of Health and Social Protection, the Office of the Attorney General of the Nation, the E.S.E Hospital Carisma and the territorial entities



The methodological document of the Program, exposes the general guidelines, income routes and functions for implementation in other territories.

It contains:

1. Context Relationship drug - crime
2. Consumption of psychoactive substances in adolescent population in conflict with the law
3. Normative Framework for the implementation of the Program
4. Pre-admission, admission, treatment, social inclusion
5. Bases conceptuales del Programa
 - Roles and actors
 - Eligibility criteria
 - Forms of income by procedural stages
 - Pre-admission, admission, treatment, social inclusion

Challenges

- Strengthen the actions of the State to provide criminal alternatives that involve to a lesser extent the deprivation of liberty, towards the effective re-socialization of the offenders.
- Identify ATI that respond to the Colombian context and that adapt to the legal, social, cultural and political reality of the country.
- Expand sentencing options to include administrative, disciplinary and economic measures applicable by the justice system.
- Consolidate the technical evidence to generate policy guidelines: The MJD has been conducting studies and analysis on the subject.
- Generate alliances and inter-institutional coordination with the aim of reforming the criminal types of drugs and their prosecution aimed at weak links in the drug trafficking chain.



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