

## TRANSCRIPT

# "THE IMPACT OF DRUG POLICIES ON WOMEN"

*A conversation with Emma Bonino, Sebastiano Cardi, Farah Diaz-Tello, Carolyn Eisert, and Luigi Marini*

*Moderator: Kasia Malinowska-Sempruch*

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## **ANNOUNCER:**

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## **KASIA MALINOWSKA-SEMPRUCH:**

Welcome to all of you. Let me-- extend my-- a warm thank-you to-- Italian Mission for-- for-- joining, and-- joining OSF-- in the effort of-- addressing-- needs of-- women, as we think about-- drug policy. Many of you are following the discussions that are now taking place in preparation to UNGASS.

And so we thought that it would be a good idea to-- to offer this opportunity for-- Emma Bonino-- who is very much-- a hero of mine. And-- and civil society-- partners-- from Amnesty International and-- National Advocates for Pregnant Women.

To-- get us to start thinking about the implications of the current-- drug laws on wellbeing-- of women across the world. So-- let me just-- let me just offer a couple of-- introductory-- remarks about our speakers. Many of you know-- Emma, of course, who-- who is a long-- long-standing and impressive politician from Italy.

Who has-- not only-- taken up-- difficult-- causes-- but also made sure that-- women's rights are very much a part of-- of all-- the agendas that he ha-- that she has-- that she has-- got us to think about. Farah Diaz-Te-- Te-- Tello-- is here from National Advocates for Pregnant Women.

She's a senior staff attorney-- and-- has done a lot of-- impressive work-- around

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human rights, pregnancy-- women's rights, and how all of those pieces come together-- here in the United States and also-- has extended her reach internationally.

And ca-- Carolyn Eisert is a policy an-- analyst for-- Amnesty International, law and policy program. And she's-- working on a project exploring human rights impacts of laws on policies that criminalize-- key aspects of sexuality and reproduction. And is now adding drug policy issues into this very impressive portfolio.

So, really lovely to-- to have you all here. We will start-- (NOISE) with-- with a statement from-- Emma Bonino. But let me just offer one very quick thought. CND right now is meeting in Vienna.

And this is a pro-- as a part of a process where you-- UN-- UNGASS-- outcome document-- is being negotiated and produced. And those of you who are following those discussions will know that yesterday, actually, a question of women-- arose on the agenda.

Because one of the member states did not feel that drugs is a women's issue. And-- and that sparked a lot of debate and a lot of discussion. And (COUGH) so, I think it's actually very telling and very fortunate that we have an opportunity to actually-- think about this. (COUGH) And-- and respond to this-- in this forum. So, Emma, over to you.

## **EMMA BONINO:**

Thank you. Thank you very much. And thank you, first of all to the ambassador who-- of the Italian mission. Because-- he-- he's hosting this meeting. The-- the-- and I think it's-- it's important-- just because in one month-- things will be open to discussions. I'm also pleased that two colleagues of mine, three, from the Italian Parliament are following (NOISE) (UNINTEL) the debate. Two Senators here, they will introduce themselves.

And a member of-- the-- lower house-- over there. I don't know why she's sitting over there. But-- (LAUGHS) it may be because she is shy. But-- I think it's important, also, the presence of (UNINTEL). He's a long-standing friend of mine. With-- a clear position on-- drugs.

Because I-- I do believe that the issue we are dealing today-- is an issue which-- not only is important, but makes me-- think of how sometimes multilateral body can be schizophrenic. Also-- I would like to acknowledge-- the work for the preparation of this meeting of-- Emilia Gatto (PH), the-- Italian, but she's not here. And-- particularly of-- Luigi Marini, who is assisting.

And will be assisting the Italian delegation at-- (COUGH) at UNGASS. Now, the-- one of-- I don't want to-- to preach to the converted. So, I will not repeat all the statistics, even if some of them are really impressive. But-- the-- my-- my basic comment-- is, as I said, on how schizophrenic-- national government or multilateral organization can

be.

If you look at the issue we are discussing, the report of other UN agency—be it the WHO or be it the human rights-- commission. The statement of the commissioner for human rights-- and the other report all underline how women are discriminated even in difficulties-- and in dramatic situation.

You will see that there is a particular drama related to women. That is-- both on the access to-- (COUGH) health and treatment, or the prevalence-- IH-- HIV. The statistic of-- women in jail for-- drug-related-- offenses.

But even the statistic of death penalty for women-- when they are incarcerated-- for-- drug-related-- crime. So-- all-in-all, all different body at UN are underlining-- that there is a s-- specific-- ma-- mistreatment for women. Even in these sort of subject.

Then you come (COUGH) to-- to-- the-- the-- the meeting in Vienna in preparation of UNGASS. And some member states say women have nothing to do with drugs. (COUGH) Or, in any case, this-- facts and data are not taken into consideration. So, it-- it-- it gives you the idea that-- basically everyone is working on his own-- let's say corner.

But when it comes to political decision it's very difficult to-- to (UNINTEL)-- to make a synergy. And I hope that-- whatever the position of everybody, I am, for instance-- very convinced-- activist on legalizing drugs.

I think that the prohibition doesn't work. It-- simply makes things-- worse. Normally prohibition in personal choice, it doesn't work anyhow. And that applies also to drugs. But I do acknowledge also that this is not the time possibly to revise the-- the drug-- treaty.

And if we open the Pandora's Box, which I would like very much, I'm afraid we go in the opposite side with more prohibition, and more-- stiffer-- regulation, and so on and so forth. So, in any case I don't think there is-- a great will of reopen the treaty.

If I understand correctly. And maybe the natio-- the-- the mood, internationally speaking, is not for opening up-- is-- because of terrorism, because of many mixed things that have nothing to do. But (COUGH) can bring the atmosphere-- even more-- - trad-- traditionalist than it is normally.

But even under the current treaty, I think there-- there is major room for improvement on harm reduction-- alternative possibility, and not only jail and imprisonment. There is improvement-- we can have in health. We know that-- drug use in women, drug user normally l-- loose custody of their children.

So, the-- there is drama added to drama-- unnecessarily, frankly speaking. If not because we don't p-- legislator don't pay enough attention. But it's really not necessary to add the drama to drama. And even under the current situation and the current-- treaty, in my opinion there is room for improvement.

And introducing alternative-- methodology of harm reduction-- access to treatment-- et cetera, et cetera. So, the-- I'm glad that this first discussion that I hope will have at least one or two voices in the incoming-- UNGASS-- takes place in the Italian

missions. And in the presence of many parliamentarian colleagues. Some others have joined that. Because I-- I-- whatever we think on drugs, whatever is the different position, who is-- prohibitionist, who is legalizing.

But in any case we could join forces on the women issue on drugs. And-- and I think that-- if this is the first possibility to introduce this item at the incoming UNGASS, (COUGH) we have a long way to go. We will have many states that-- repeat that women and drugs have nothing to do specifically.

Even if the relevant UN bodies say the contrary. It-- it will not be easy-- in any case. But I'm hopeful we will manage to do it. Just-- few-- few years ago it was not easy, not even to pronounce female genital mutilation. (NOISE) In-- in many multilateral.

And it's so true that they started to call it "cutting," to make it more-- palatable. I don't know why. But-- in any case it seemed that it was more acceptable to talk of cutting instead of-- mutilation. Now it's over, this stupid debate.

But just to tell you that-- to introduce this kind of-- of-- of issue is not for granted. It's for granted for us. But-- we will see many, many countries will-- resist to open up to this kind of-- of discussion. That's why it's even more important that we start.

Not be for this year possibly-- to have-- a plain recognition-- of this situation. I hope so, but I doubt. But I-- somebody has to start. And I hope that the-- Italy will do it, or-- or-- in any case put this issue on the agenda. And maybe we can work to have other member states at least acknowledging the problem.

At least acknowledging that we are-- we are really treating-- and abuse in the abuse. Which is a little bit usual. But-- not for this is more acceptable. So, I count on the-- and I think my-- undersecretary of foreign affairs and the minister of justice who will lead the delegation, will-- greatly-- appreciate-- your work, as a civil society.

To mobilize-- awareness in other member states, so that they will not be left the only one. And-- in these-- weeks and months that separate us from UNGASS, there is a lot to do. I'm pretty sure Kasia, will-- do her (COUGH) best. We will try also to do our best in Europe.

But-- the first step-- I had-- finally I had a meeting with the press this morning. I distributed some figures. And some of the comments you will be discussing. And almost everybody was a little bit taken by surprise.

As if it were-- I was-- making clear sort of a secret, which is not a secret. If not for people who don't want to listen. That is-- the point. I apologize if by 11:30 I have to leave for another UN-- UN commitment. But-- rest assured that really we will do what we can starting from the parliament I'm pretty sure.

So that the-- the-- the women-- problem in the drug problem are—clearly appreciated (COUGH) and tried to be solved. Thank you for coming, and thank you for your work, your report, and your statistic. Thank you.

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## **KASIA MALINOWSKA-SEMPRUCH:**

Thank you very much, Emma. I'll ask-- Farah-- to-- to make a short presentation about the work that they have-- undertaken in-- as preparation to UNGASS. But let me also-- let me just offer the following. That-- when you look at drug policies in the United States-- and what happens to women in the context of drug policies.

It is actually the National Advocates for Pregnant Women that made a very strong case-- about the need to merge the two-- for the two communities, (NOISE) drug policy and women's rights groups, to come together.

And-- and they've done so quite-- effectively here in the U.S. We will ask Farah to talk about (NOISE) their outreach internationally. And why, and how did you engage in-- in international advocacy-- in preparation to UNGASS. Because I think a lot of what you're trying to articulate will be of interest to-- to people around the table.

## **FARAH DIAZ-TELLO:**

Many thanks to the Permanent Mission of Italy. And to my-- to our honorable guests, and my esteemed co-panelists. I'm very humbled and grateful for the opportunity to speak to you today. As you know, we're meeting in honor of the 60th session of the commission on-- on the status of women.

Which gives us the opportunity to reflect on our world's progress toward gender equality. And at this very same time in Vienna your colleagues and mine are meeting-- (NOISE) in honor of the 59th session of the commis-- commission on the-- narcotic drugs.

Coming just one month before the UNGASS on drugs. This is certainly the most important CND in a generation. And we believe that it also extends to the CSW as well. This is the most important CSW in a generation because it comes one month before the UNGASS.

The very reason that the UNGASS is taking place next month, as opposed to in 2019, is because the world is awakening to the realization that after 50 years of drug control policies that prioritize criminal justice responses we have very little to show for ourselves other than skyrocketing rates of incarceration.

Devastated communities, and increased militarization. All of these have a particular, and particularly harmful effect on women. Everyone in this room is aware of the feminine-- feminization of poverty.

In fact, it's the disproportionate burden of poverty that women bear that makes them susceptible to being coerced into drug trade and even drug use. And the fact that women are primarily, or sometimes solely responsible for the care of children and extended families-- means that they are not only more vulnerable.

It also means that punishing them punishes entire families. We know that half a million women are in prison or pretrial detention throughout the world. And that the

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majority of them are-- are there-- because of petty property offenses or minor drug crimes. In short, the majority of women behind bars across the world are there because of poverty. For too long the-- the world has operated under the assumption that women do not use drugs and do not get involved in drug trade.

This creates stigma and misinformation that puts treatment out of reach for many women who need it. And perpetuates stereotypes about how women, and especially mothers, must be morally ab-- above reproach in every way. Pregnant and parenting women are especially stigmatized by campaigns exaggerating and misstating the relative risks of harm for prenatal drug use.

We do acknowledge that positive strides have been made. For instance, South American states have moved to end the use of toxic aerial defoliants-- that are linked with damage to women's reproductive systems. And an increasing number of states are working towards the implementation of the Bangkok Rules on women offenders and prisoners.

At the same time there remains much work to be done. Methadone (COUGH) and Buprenorphine maintenance treatment remain illegal in some parts of Eurasia. And this is a critical matter of health, especially for pregnant women who risk still birth of miscarriage if they abruptly cease use during pregnancy.

In other places it remains simply inaccessible with the WHO estimating that less than ten percent of the people who need maintenance treatment are able to access this tried and effective method of treatment. Even in industrialized countries drug-using women are targeted for population control programs that give cash incentives for women to take long-acting birth control or sterilization.

One group which functions out of the United States and the UK, and which has made forays into Kenya and Australia, claims that more than 4,600 people who use drugs have been given long-acting birth control. Of these 4,600 84 were men. And here in the United States, while at the federal level we have moved to prioritize support instead of punishment, right now as we speak a woman who is eight months pregnant in the State of Mississippi is being threatened with parole revocation and incarceration if she does not quit her methadone program by Friday.

This is not an isolated incident. And despite the grave risk to her health. In addition, the Tennessee legislature is contemplating whether it should permanently extend a law making narcotic use by pregnant women the crime of fetal assault, punishable by up to 15 years in prison.

Civil society is calling for a change. Approximately 75 NGOs concerned with gender equality and representing all regions of the world have signed on to a declaration, which I will happily distribute later.

Calling for policies that support women, children, and families. But this outcry will fall on deaf ears without your support. We're concerned about the lack of transparency in the process of negotiating the UNGASS outcome document.

And the very little opportunity that has been given to civil Society to raise these



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issues. It therefore falls to member states to call for a gender-- a gender analysis in the UNGASS process. And only very few have heeded the call.

In fact, during yesterday's negotiations, a resolution on gender and drug policy in Vienne, the complete absence of UN women from any of these proceedings was noted. Our declaration makes a number of concrete recommendations-- that can help advance drug policies that support women, children, and families. And I highlight just a few here.

First, incorporating a gender analysis in all conventions, declarations, and reports on drugs. You need disaggregated data relating to women specifically. Second, prioritizing alleviation of the social and economic conditions that contribute to problematic drug involvement.

I-- I reiterate, as I said earlier, most of the women who are behind bars around the world are there because of poverty. We need to address the underlying causes. And third, approaching problematic drug use as a health issue, and scaling up resources for supportive health interventions.

And here specifically I want to make very clear that these interventions should be voluntary, and supportive. Coercive care is not quality care. Women need support for the very particular issues that they bring to the-- to treatment. Specifically, the need for child care and support for their families as they-- undertake recovery. If we're to make good on the promise that women's rights are human rights, we must seize this opportunity to advance drug policies that support women, children, and families. Thank you.

## **KASIA MALINOWSKA-SEMPRUCH:**

Thank you. (COUGH) Thank you very much. I-- I-- I liked Emma's framing-- which is drama added to drama. And I think this is precisely the (COUGH) point, Farah, that you've made. When we think about poverty, and-- and how women enter drug industry, and also many reasons for why women use drugs.

I think that's a very eloquent example of-- of one-- dramatic situation that is compounded by drug use, and-- and-- and drug-- industry, and then by criminal justice system. (COUGH) So-- so, I think that's, Emma, your framing of drama added-- to drama, is-- is very useful for this conversation. Amnesty International does not require-- does not require introduction. Human rights are clearly at the forefront of-- of-- (COUGH) the way you articulate-- the injustices across the world.

If you could take a few minutes to-- to tell us about your thinking about this. And in the meantime, Farah, can you send around the declaration? Because I think it would be useful for people to-- to see it. Just send it that way and we'll-- okay.

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## CAROLYN EISERT:

Hello, everyone. Such a distinguished-- group. I'm really honored to be with you here today. And thank you for the invitation. As has been noted, this is just an incredibly-- critical time right now with both the CSW and CND meeting the same week as-- as we noted. Amnesty International's been considering the impact of drug policies in the context of human rights. And within that context we've seen widespread human rights abuses against women that can arise through the imp-- imp-- through the implementation of the current drug policies around the world. And I'd also just like to agree with the assessment, you know, others have made before.

That we see-- the UN Human Rights Counsel, UN Women, UN AIDS, and other agencies-- recognizing the impact of drug control policies on human rights. And-- and by extension (COUGH) the impact on women. But it's not-- as-- as-- the point you made, it's not being done consistently or together-- at the same time. It's not coming together.

Colleagues this week in Vienna have-- have found that crucial references to human rights are not being included in the current draft of the outcome document. And-- these issues are not being considered in a meaningful way. But, of course, we all know that drug policies have an enormous impact on women. They further compound and magnify the discrimination women face. They stand in the way of women's empowerment.

And that is, again, the point has been made, that is extremely urgent given that this year's CSLU priority theme is indeed women's empowerment. And its link to sustainable development. And-- (NOISE) this-- this point has been made by UN Women in a 2014 paper.

That it's clear that the world drug problem is undermining gender equality. And that gender perspective is needed in all efforts to prevent and respond to the issue. So, looking a bit at-- how drug policies can have a disproportionate impact on women.

Understanding this impact requires taking a look at which women are impacted. Women have been face-- facing increased risks as their participation in the drug trade is on the ru-- on the rise worldwide. Especially among women who lack education, economic opportunities, or who have been victims of abuse.

And those who belong to ethnic minorities disproportionately act as low-level transporters, delegated to low-risk and high-risk positions in the drug trade supply chain. Women's involvement in drug use and the drug trade responds to the decreased economic opportunities and the lower political status of women.

So, as a result women frequently face-- face harsher leg-- legal repercussions-- which lead to substantial increase of women detained for drug-related offenses. And it's an important point that the vast majority of women arrested and detained for drug-related offenses have not committed a violent crime.

Or they're first-time offenders. And we've seen these sort of-- these skyrocketing rates of incarceration of women for drug-related offenses in multiple regions around the



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world. It's not limited to any one country or region.

Sentences can also be severe. I-- I learned just-- just this week, speaking with colleagues who work on the death penalty for drug-related offenses, that based on the research we've done in some countries we know of more women on death row for drug offenses than we know of-- on death row for murder.

And that's, I think, an-- sort of an emerging area that's-- (COUGH) that's been coming out. We don't tend to think of the death penalty as necessarily about women, or a gendered issue. But I think that underscores the point that all aspects of-- of-- drug control policy do, you know, directly or indirectly in some way, you know, have a gender-- component that we should be looking at.

Another issue I wanted to talk about that-- of course, National Advocates for Pregnant Women is-- you know, has really led the way on, is the issue of pregnancy criminalization. We know that women who use drugs are at a particular risk of criminalization. If they become pregnant they may face losing custody of their children, forced or coerced sterilization, abortion, or criminal penalties for using drugs during pregnancies.

And in certain jurisdictions women who use drugs may be subject to detention or criminal liability for exposure to a controlled substance. And Amnesty International research on this issue's been finding that-- (NOISE) this is indeed as National Advocates for Pregnant Women has-- you know, have been saying for years.

This is the wrong response to address a public health issue. Again, as Farah referenced a specific law in Tennessee, it makes it a crime to use a narcotic drug while pregnant. We've-- done interviews and found first-hand that women are avoiding seeking health care services because they're scared of this law.

We've also found that it's had a discriminatory impact on individuals who are already marginalized, and reinforces stigma discrimination against people who use drugs. Which-- which we know can then further increase the health risks that exist.

We also know that these laws are applied in an uneven manner. And prosecutorial discretion can open the door to discrimination. And-- just looking at the numbers in one county we found that a county with one of the lowest rates of opiate use during pregnancy has one of the highest rates of arrests.

And this also happens to be a county that's-- majority African American. So, drug policies can impact the right to equality, and to non-discrimination. We know that under CEDAW, states are obligated to ensure equal rights to men and women in all respects.

Including equal access to health care services. And to look at this discrimination (NOISE) we need not to just consider someone's sex, but all of the multiple and intersecting forms of discrimination that include racial discrimination, discrimination based on sexual orientation or gender identity, and a whole range of other factors. (NOISE)

This principle of non-discrimination requires as well states not just look into

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discrimination-- discrimination as it's written into the law. But we must address the impact-- disparate impact that a law can have through how it's enforced. And I think this point is-- is really critical.

In all the work-- that we've done on criminalization-- through my project at Amnesty International, no matter what issue we're looking at we tend to always find that it's the most marginalized.

People in-- in positions that are stigmatized. These people are disproportionately impacted. And criminalization further increases the stigma, drives people from health care services, prevents them being able to report violence and abuse-- to the police.

So, related to that, I mean, I think it's most important that states have a duty to address. To mention that states have a duty to address the structural causes that contribute to women's incarceration. And to address these root causes and risk factors.

In many parts of the world we know that women who use drugs are likely to have experienced physical and sexual abuse. And this is an issue we need to address as well. So, I'll just talk briefly now on-- how drug policies impact the right-- the right to health. We know that drug-- dependence treatment is often lacking.

It should be accessible, acceptable, and of a sufficient quality based on the best available evidence. But this is not always the case. Drug treatment, of course, has implications for-- well, drug treatment and access to health care more broadly have-- have enormous implications for stopping the spread of HIV and Hepatitis C.

Even where drug treatment programs are available it can lack gender sensitivity. They can be largely in-- in accessible to women and gender nonconforming individuals. And-- few treatment centers, for example, have child care.

Or are equipped (COUGH) for pregnant or breastfeeding women. Or they may-- not be appropriate for transgendered people who have-- are compelled to receive treatment in a single-sex treatment center. So, we see a lot of-- a lot of gaps in-- in addressing-- drug dependence treatment around the world.

So, in conclusion-- completely agreeing with so many of the points that other speakers have made today. Drug control policies have come at an enormous cost to women's empowerment, and to women's human rights. Both, again, important points this week in particular.

Drug policies may par-- perpetuate discrimination against women. Stand in the way of women's rights to equality and non-discrimination. And impact their right to health. But we are at a moment right now where possibilities exist to begin to change this.

So, I'd like to thank very much my fellow panelists for their work. And-- thank you all for your time and attention. And I look forward to our conversation.

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## KASIA MALINOWSKA-SEMPRUCH:

Thank you very much. I will turn to our host. And ask the following question-- do you-- you interface with the big UN system, getting ready for UNGASS in your capacity here at the mission. But you also come into this discussion with your own experience as a judge-- in Italy.

Having heard those-- points being made, that women are criminalized basically for-- for the poverty that they often live in. And that that very much is an outcome-- that we are now-- (COUGH) just some of your thoughts-- about what do you think we can expect out of UNGASS? How do we think about it in a way that is useful for member states? And-- and just (NOISE) generally, you know? How-- how do you relate this to your own experience-- of-- of being a criminal justice-- professional for so many years?

## SEBASTIANO CARDI:

(LAUGHS) Yeah. Thank you, thank you-- for-- for asking me-- about future scenarios-- I'm not able to answer for you. It's so difficult to understand what's going on now. It's a very huge moment for drugs. You know, the-- the new initiatives coming from some countries, trying to-- to lead-- the-- the international community to a more-- to a-- to a position more concerned about health and human rights.

Opened a-- very tough discussion. Many countries, some countries are reacting really-- really harsh about that. And because we-- we are putting under discussion for the-- their own view, their own societies, and their perception of the government. So, the-- the-- the discussion is very-- is very open.

And it's very difficult to understand which will be the output-- beyond the written document that will be approved. So-- I'm not-- not able to-- to-- to-- to predict the future now. But-- I like to add to two comments from my-- from my perspective. I'm a ch-- I said not a criminal judge, but a judge in criminal matters. And-- and--

(OFF-MIC CONVERSATION)

## SEBASTIANO CARDI:

According-- according to-- civil law--

(OFF-MIC CONVERSATION)

## SEBASTIANO CARDI:

Civil law system, saying you-- you-- you are a civil judge, a criminal judge, a labor judge-- (COUGH) a (UNINTEL) judge. But it sound bad, (LAUGHS) to-- in this side of the ocean. So-- I had-- I had a long experience because drugs is one of the items

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that usually-- a judge-- works with all his career long, so.

Some comments from-- two-- two points from my point-- from my experience. The first-- women are discriminated, or are in a very difficult position, way, when they are convicted or investigated for drugs. (COUGH) But then also a very specific charge when they are-- the-- the-- wife, or the-- the woman of a man who is arrested, and convicted with a long-term sentence.

Because in this case the-- the man is-- has to stay a long time to prison. And the woman stay at home, with children, with their life destroyed you what happened. So, she has to be in care of everything. Maybe she wasn't working. She needs-- to-- to-- to work.

She needs to change her life. She has her love-- beloved person in prison for many years. So, drugs is terrible also for women that did nothing illegal, but they are suffering the consequences of the illegality of their man or husband. The second point is-- I thought very, very much about that.

The position of women in an environment of criminal organizations. You know criminal organizations are widespread in Italy. We have mafia, and mafia (NOISE) is not only a criminal aspect, there's a social aspect, cultural aspects. And women are part of their culture.

So, sometimes they are the real engine under the (COUGH) illegal activities, but sometimes they are the victims of illegal activities. So, both cases are very difficult for judges, and prosecutors, and investigators to deal with these aspects.

Because you don't understand very well which is the position of a woman in an environment that is thinking illegally, is working ill-- illegally. And is providing a lot of criminal activities. So-- and-- third point-- just-- just for your considerations. (NOISE)

We have many cases when women are importing drugs in Italy coming from other countries. Poor women are paid just a few dollars for taking drugs with them, in their bags, in their body, too, to introduce them in Italy. And there are many, many cases they are detected when they come to an airport, when they come to-- an harbor.

So, they usually have a lot of drugs with them. Punishment is really proportionate to the quantity of drugs, to the gravity of the action, (COUGH) punishment is high, long sentences. But this kind of punishment are absolutely disproportionate to the person.

Because they-- they conduct this-- this really serious crime, but the person is poor person that has nothing to do with criminal activities. The poverty, and the need for money brought them to accept the request to-- to import drugs to Italy. When they are detected they pay a very high price for something they-- they-- they-- (NOISE) is not proportionate to them.

So, I think that these are three items you may consider in your-- in-- in-- in your-- in this debate, and the future. Because they are very specific aspects that we as judges, we are suffering for that.

Because we have to apply the law, we have to proportionate our sentences. Also, the--

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the gravity of the situation, to the quantity of drugs. But we-- in many cases we understand that-- that we are dealing with-- deciding for a punishment that is not proportionate to the single condition or the single person in the moment. And we can with some-- you know, try to balance the situation. But not as much as we would like to, so.

**EMMA BONINO:**

But women that are use-- I'm sorry, just one question. Women that are used to carry out drugs-- we thought it was a Latin American phenomenon, (COUGH) but we are realizing (UNINTEL) now coming from Africa, for instance.

**SEBASTIANO CARDI:**

Many come from Africa, exactly.

**EMMA BONINO:**

Exactly.

**SEBASTIANO CARDI:**

Exactly.

**EMMA BONINO:**

Exactly.

**SEBASTIANO CARDI:**

Or from Colombia, or something.

**FEMALE VOICE:**

Yeah. But through Africa.

**SEBASTIANO CARDI:**

Though Africa, yes.

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**FEMALE VOICE:**

Not directly.

**SEBASTIANO CARDI:**

Yes.

**EMMA BONINO:**

There is a sort of a hub, is coming out in Western Africa. Which links Latin America, Western Africa, and then Europe. And when I mean Europe, I mean Italy for Europe. Is that the phenomenon that-- is called (FOREIGN LANGUAGE NOT TRANSLATED)? How do you say in English?

**KASIA MALINOWSKA-SEMPRUCH:**

Mules.

**EMMA BONINO:**

Mules.

**SEBASTIANO CARDI:**

Mules.

**KASIA MALINOWSKA-SEMPRUCH:**

So, before we open it to comments from-- from the floor, Emma, we know that we have you only for the next 27 minutes. So, I just wanna give you an opportunity to respond to any of the comments that were--

**EMMA BONINO:**

Please.

**KASIA MALINOWSKA-SEMPRUCH:**

Yes? Okay. So-- would-- would anyone around the table would like to comment? Yes.



## FEMALE VOICE:

This (NOISE) may be, how can I say? I may be opening up more than-- more than I intended to, perhaps than you intended to. I'm very, very appreciative of the emphasis-- on the fact that poverty-- drives women to crimes, such as importing drugs, and also-- increases the victimization of women in every-- every means. I-- I-- I would like to--

(OFF-MIC CONVERSATION)

## FEMALE VOICE:

I recently picked up a copy of a book by-- a reporter named Gary Webb-- called *Drug-* - called *Dark Alliance*. And another book by Alexander Cockburn, from *The Nation*, a book called *Whiteout*. Which deals with the deliberate-- somewhat difficult to prove, but the-- the extent of it suggests deliberate flooding of minority communities with drugs.

This was-- happened specifically in California. Women are part of the minority community. I mean-- the (UNINTEL) was dealing with-- (NOISE) African American victims. But the status of women is not much better in many respects than-- I mean, and this gets into the issue of patriarchy.

(COUGH) But I'm wondering to what extent the-- (NOISE) the trapping of women, poor women in particular, in this situation is almost an inevitable result of a patriarchal system which-- so much diminishes women's control over their own lives that they cannot be distinguished from-- minority groups.

Although we ha-- we might be, as the Chinese say, "hold up half the sky," we are still a minority. And in terms of our-- our control over our lives, and our power over our lives. Women have (COUGH) very little. This may be an-- economic issue.

## KASIA MALINOWSKA-SEMPRUCH:

Okay, let-- let me ask for the second comment, and then we'll go to our panelists to respond.

## FEMALE VOICE:

Okay. Thank you, all of you. I won't take too much of your time. Besides the different-- affiliations I have, especially at the UN and Medium, my most challenging role is that (NOISE) I'm the president of the Dag Hammarskjold Plaza outside, (VOICES) which we can all look at from this window. And why I say that here on the 49th floor, and all the other people we know in this building, we have a number (UNINTEL), Michael's on the other corner, we have a problem most affecting women,

that people don't see.

This is New York City. Our budget is larger than many countries. And yet, we fall far behind in these issues, especially affecting women and the drug issues. What I have seen, eight months of the year, now the weather's getting better, yesterday was a good example, with the farmer's market, and everything else. I have drug problems, day and night.

As you come, five in the morning you will see all the drug-- examples of abuse. And why I say that, where are the training programs everywhere, worldwide, but especially in our own backyard? Front yard? So the fact remains that most of these women, 98 percent, have absolutely been incarcerated many times. They're between the ages of early 20s to actually late 60s. They are numerous.

We have a shelter on 45th street, only for women. What goes on in that shelter, you don't want to know. It's everything you've talked about. And once they're pregnant they're sent somewhere else. It's a constant merry-go-round. But there are no training programs. I'm responsible, and I hire the DOE fund. Have you ever heard of them?

The men in the blue uniforms. You'll see them all over Manhattan. Ninety-nine percent-- 99.8 percent are men. Where are the women? These are training programs that one brilliant person from the private sector, 35 years ago, couldn't deal with the city and the bureaucracy. So, he took it upon himself to take up the petty criminals, who were all drug abusers, and then other crimes, (COUGH) you know, continued.

And he gave them training programs. If they were clean for two years he would then train them in computer science, and computer sciences, and marketing. Where were the women in these programs? He's had 95 percent success rate. And I deal with them every single day.

When I leave you, I deal with the city. It's an amazing experience, but these are the women who are not even in the picture in our own front yard. And I think that this is, you know, for you who work here, this is something to look at as a pilot program that really has to be initiated.

That can even be shared worldwide. Where are the training programs for these women-- incarcerated, out of the prison, where do they go? Totally homeless most of them, and repeat offenders. Everything we're talking about is very academic with millions of statistics. And I agree with Signora Bonino we should legalize drugs, and get off this merry-go-round, and eliminate the middlemen. (LAUGHS)

## **KASIA MALINOWSKA-SEMPRUCH:**

Thank you. So, Farah, I'll-- I'll look at you to start responding to those questions. Also-- we'll ask that-- persons who intervene introduce themselves. I'm sorry, I-- I-- (OFF-MIC CONVERSATION)

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## FEMALE VOICE:

Thank you, thanks very much.

## FARAH DIAZ-TELLO:

So, I-- I really wanted to speak to that first question. (COUGH) You know, I'm not sure whether I can speak to deliberate flooding of minority communities with drugs. But I can definitely speak to a disproportionate response to-- to drug use in communities of color in particular.

And it's something that we can see playing out right now. You know, in the 1980s and 1990s it was crack. And-- and we-- our country responded with a m-- with a militarized response and mass incarceration. And now, you know, as we see opiate addiction becoming the problem, you see more of a call for compassion-- and for health-based approaches.

Which we applaud and support, absolutely. But recognize that there is a problem with saying that the solution for some people is prison, and the solution for others is health care. We-- we want, obviously, health care for all. But even in that, (NOISE) women are getting left behind. While we are pushing for, you know-- programs that minimize harm, programs that focus on health-- we still have places where women are unable to receive the treatment that they need.

For example, in Tennessee, where this is being hotly contested right now. That state has less than 1/3 of the treatment spaces, the treatment beds that it would need to treat all the women who need care. (COUGH) And it is only women, not men, who are facing criminalization because of drug use. So, this is certainly something where-- our-- our failure to dig a little bit more deeply has had-- a disproportionate impact on women.

And, to your point, I-- I think that you're exactly right. I mean, in New York we're not blameless. I think that what you're describing points to a need for, you know-- programs to address poverty. To provide alternative livelihood. But most importantly what it really points to the need for is to have people who speak to drug-using women.

Actually talk to them and find out what it is that they need. Because very often-- you know, what you're describing is not something that a person would choose for themselves, right? So, to find out what-- you know, what is it they need. Do they need stable housing? Do they need treatment for problematic drug use? What is it they need, and then give them that. As opposed to believing that a one-size-fits-all solution can help everybody. It simply can't.

## KASIA MALINOWSKA-SEMPRUCH:

Thank you.

## FEMALE VOICE:

So, my name (UNINTEL), I'm from-- Japan. And-- I-- I'm teaching at university, and also criminal justice. And so then I want to change the whole criminal justice system in Japan. And you know that Japan, so much on-- female population in-- prison. And how (UNINTEL) the female prison is (UNINTEL). And so they are just using the drug, not selling. Not (UNINTEL)--

(OFF-MIC CONVERSATION)

## FEMALE VOICE:

Yeah. Just the drug use. And also that-- and also not very-- (NOISE) I'm working with-- female drug addicts recovery center. And there's many drug-- addicts. And-- I know that one person who car-- incarcerated six times. And she still (UNINTEL). And so then she-- left-- she kind of-- was a kind of circle--

And to going back to the prison. And also the-- he-- she had a baby in-- during her incarceration time. And so then I want to-- add something. So, you-- mentioned about the poverty, relating to the drug use. But-- my experience, there's many-- and-- female drug addicts have-- experience of the child abuse, sexual abuse, or-- and-- rape-- victimization.

And so because of that they are so trauma-- got trauma. And so then they crim-- resort to drug. And so I think that they are-- they need the drug to survive. And so then the-- there are so many things, combination, so-- ther-- and to think about-- the female drug addicts.

And-- but the-- in Japan-- people just assume doesn't care about the female-- the criminals. As-- a portion of the criminals is very-- low-- compared to the male victims, (UNINTEL) criminals. So, because of that, and-- there's no-- the female drug policy. And then-- criminal justice sys-- system is still so-- not-- women-friendly.

It's so much in-- the focus on the male. And so then I want-- I have been-- wanting to change the whole criminal system. But it's very tough. And-- but-- I want to-- deliver the voices of the victims, the survivors. And-- who are-- using the drug.

And that's the kind of the key. I'm very appreciate-- I couldn't imagine that this kind of the conversation happen h-- here, at CSW. And-- the-- this is very difficult to-- find the kind of program and-- (UNINTEL). And-- in CSW. And-- I have been in (UNINTEL) CSW. But it's a little bit difficult to find this kind of (UNINTEL). And also that I want to-- add one more thing. So-- the-- I know the mother who has-- a daughter. And-- she's using drugs.

And also that this is a kind of another issue. I know the mother-- so-- feel guilty. And-- that her-- that she have to-- that this is her-- responsibility. To make-- (NOISE) her daughter-- drug addict. And also the-- there's many families, not only that-- a mother, and-- of the drug addicts, and a daughter is a drug addict. So, there's a kind of-- whole-- the family matters, and-- we have to think about. Thank you.

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**EMMA BONINO:**

Can I just--

**KASIA MALINOWSKA-SEMPRUCH:**

Of course.

**EMMA BONINO:**

No, just very quickly, in the sense that we are collecting experiences. And-- and very much agree that-- that personal use, at least, if you're not a big criminal actor. I don't think that-- to take drugs is a good thing to do. But-- bad or good, you make a law not because you think on your moral values. But-- you-- you-- you make a law normally to put-- to-- to let's say manage-- a problem that doesn't have a solution. (COUGH)

I mean, I think that people who were claiming-- a world free of drugs-- well, let's say good luck. But-- the reality is that that is not the case. And, of course, drugs is also a sign of fragility. Where this fragility comes from, it's an open question. It can be a personal abuse, can be other experience, you know. All of us have some fragility anyhow.

I smoke cigarette, for instance. And I like it very much. When I (LAUGHS) am in-- I'm not killing anybody. I ask permission-- I'm a smoker, but a polite smoker. Right? But-- it's very difficult to-- to-- to-- in the States, for instance. In other country it's-- more permitted.

So-- I'm simply saying that you have a crime when you have a victim, right? If you don't have a victim-- the personal habits that can be good, or bad, or what have you-- but-- there is no-- and, by the way, prohibition has brought us nowhere. If you look at all the data, the more the-- the law is tough-- on prohibition, the less-- it works, so. But in any case, that's another discussion.

But it goes-- in fact, but it's a parallel dis-- discussion. What we are focusing today is-- is that inside the-- the-- the drama, there is another drama. And-- you are right-- there is not much talk on this issue on conference on the status of women.

We are just starting. Maybe next year-- we can have some-- done some-- some more work to have also this issue-- at that-- important level. But-- the-- I think also it's important at national level. Countries who have a different kind of law, nevertheless the respect of human rights and nondiscrimination should apply also-- in-- in this case. But again, the-- the question is that-- the fact that women are a drama in a drama is not yet recognized.

If I think in my country, for instance, that is not an open discussion yet. And even the data, not known. So there is no particular attention. And-- I think that that is the first

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thing to-- the disclosure of the problem. And-- trying to have it in the open debate. With all the consequences, pregnancy-- prisons-- et cetera.

And-- there is no miracle solution. There is no-- we have to acknowledge that we have to go step-by-step, and-- and that we (COUGH) can have some policy of harm reduction. But miracle solution is not for this world, not only on drugs, so, women and drugs, but for many problems. So, I hope that-- Kasia-- and starting from this UNGASS-- but also we can add work to have a proper maybe item in the incoming women conference and that--

For instance-- when we were discussing violence and women years ago, it was not a topic. It took some years to become-- a topic. Finally people recognizing that there is violence against women. And even domestic violence, that was a real taboo. (COUGH) But, it comes.

And I hope that-- well, now you have to work for the UNGASS and see if there is any result. But there is also a national and international level. For instance, to work for next year and have a more open and proper debate on this kind of thing. I leave you with friends of all kinds. I have another appointment. And, Kasia, we have been knowing each other 20 years?

## **KASIA MALINOWSKA-SEMPRUCH:**

Yes.

## **EMMA BONINO:**

I'm afraid that we will continue for--

## **KASIA MALINOWSKA-SEMPRUCH:**

Yes, we will. (LAUGHS) (APPLAUSE)

## **FARAH DIAZ-TELLO:**

Thank you very much, thank you.

## **KASIA MALINOWSKA-SEMPRUCH:**

So, let me maybe-- Carolyn-- (NOISE) ask whether you have any thoughts on some of the issues that were raised here in the context of the US? And also other places that Amnesty-- is focusing on. Particularly vis-a-vis reproductive health, particularly-- vis-a-vis needs of women. Which, as we heard from Japan-- also are quite vast. (NOISE)



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## CAROLYN EISERT:

Sure. Yeah, and in-- in-- you know, in thinking about all the different topics, you know, one could cover in a presentation (COUGH) on the effect of drugs on women. You know, I was almost thinking of, you know, how could I categorize these-- these issues.

I thought about them in-- in some ways-- the point we've been making, the importance of having a gender analysis integrated in all-- sort of steps, (NOISE) all stages of thinking about the drugs issues, became apparent to me. 'Cause I realized it's not-- there-- there are certain particular laws that only impact women. You know, though-- through pregnancy.

But the vast majority of the issues are-- they're essentially sort of magnifying, and-- heightening issues that affect women generally. You know, from looking at, you know-- supply chain. You know, who's-- issues of poverty. It's sort of-- it's not-- there's-- it's not just sort of limited to one sort of aspect of the drug problem impacting women. (COUGH)

It's all aspects. And then in addition to that-- as you mentioned-- our specific work on-- laws that criminalize conduct in pregnancy. Those are just one particular way-- where a law can criminalize women, and it only applies to women. It's written into the law. Many of them say, you know, "It must be a woman who, you know, gave birth-- to a child."

So, those are, you know, discriminatory in-- you know, in how the law is written, but also discriminatory in-- in how they're applied. And-- they're also, of course-- sort of the downstream consequences of that, which I don't think we've talked about quite as much.

But, you know, when someone has-- a charge of child abuse, or-- any kind of criminal charge (NOISE) it decreases their ability to then get housing, get jobs-- to get public benefits in some cases. So, that-- particularly impacts women who are supporting children, and-- families, more broadly.

So, that's sort of another issue I wanted to bring up in terms of-- well, I-- I guess you talked about that, too, in terms of it being sort of a cycle of arrest and re-arrest. 'Cause there's no way sort of out of that-- cycle, once someone-- you know, starts-- to have a record. It's more difficult to get a job and to-- seek a good living.

## KASIA MALINOWSKA-SEMPRUCH:

Yes.

## ROBERT:

Yeah, (UNINTEL). Hi, good afternoon, my name is Robert, I'm from UN Women,

actually. And-- I guess on behalf of UN Women I'd like to first-- you know, somewhat apologize that UN Women wasn't-- present at the negotiations in the CND. But as you-- would probably be able to understand, that CSW is probably our, you know, more institutional priority.

And to ensure that we have, you know, a very strong outcome at the CSW for women and girls, especially linked to the sustainable development goals. So-- you know, apologies that we weren't able to make it to the CND. This is definitely an issue that we are trying to devote more attention to. Although-- it isn't, you know, in our-- in our strategic plan.

But we definitely-- (NOISE) you know, understand and acknowledge that there's a strong gender perspective to-- our drug policy. And-- you know, based on what I've been hearing, and on, you know, some speakers have, you know, alluded to, the lack of coherence in the UN system, especially.

Perhaps the types of discussions that you might hear in Vienna, as opposed to the types of discussions that you would hear in New York, or Geneva, with the human rights-based organizations, or even in-- in Nairobi. And, you know, from my following the-- discussions on the UNGASS, I think some members states have-- have also been a little bit concerned about that.

You know, some members states don't have permanent representation in Vienna. So, which is why they wanted to bring the negotiations here in New York, where there's broader-- representation among member states. So, that just might be, you know, a thought for Italy and the other stakeholders who-- are very, you know, involved in this process.

Is that-- you know, if these types of negotiations were brought to New York we might be looking at a very different outcome when it comes to the linkage between drug policy development. Because something that I've noticed is that-- you know, unfortunately (LAUGHS) we work in siloes, not just the UN system, but governments, maybe, you know, civil society organizations, we usually work in silos.

So, Vienna. You know, granted they're fantastic, and they're experts on drug policy and crime. But it loosed focus of the development concepts of any of these issues, like poverty, like, you know, women's economic empowerment, which is linked to poverty, and also violence. Because many women tend to use drugs when they are in violent situations. Which is, of course, all of this is (NOISE) (UNINTEL). So, that's-- just-- you know, where these negotiations will take place.

(COUGH) But also I wanted to raise, you know, the idea that the 2030 agenda was to (NOISE) (UNINTEL), you know, the key opportunity to integrate, you know, drug policy into development. Or, you know, whether it's economic, social, and environmental, you know, perspectives.

And-- you know, all the-- although the 2030 agenda doesn't have necessarily a strong drug focus, it does have one target. I think (UNINTEL) (NOISE) that leads-- to drug policy. So, you know, perhaps as we go forward even towards 2016, and, you know, beyond (UNINTEL) 2019-- it might be a good idea-- to think about how we can kind

of connect these processes to really make sure that no one is left behind.

And to make sure that-- (NOISE) you know, some of the issues, like poverty-- and-- and violence, you know, that increase the likelihood of people, including women, all people, and especially women, to use drugs. To make sure that these issues are, you know, fully reflected in any new drug policy.

## **KASIA MALINOWSKA-SEMPRUCH:**

There's-- there's still breakfast food and coffee for-- for those who want to-- who want to-- keep on chatting. But I suggest that we formally close. Let-- let me just offer one thought, and-- and then ask-- Luigi to-- to say goodbye to us all. (LAUGHS)

Is that I'm actually somewhat optimistic about-- about-- the UNGASS process. Partially because UNGASS 2016, in some sense, is a big lesson learned to us all in preparation for UNGASS 2019. Rarely does it happen that we have this very short period between two significant meetings. And I think some of the points that you've made, which is if those preparations were sitting in New York we would see a very different outcome document.

I think is clear to many of us in many num-- member states. And so I think that is a clear request that people will be articulating as we go into 2019. I think also clear statements from important bodies like Commission on Status of Women-- making requests toward UNGASS 2019.

And actually putting it in a formal-- onto formal agendas I think is going to be helpful. And-- and I think the way we are establishing collaboration with some of the countries-- and other civil society partners are establishing collaboration with others. I think all of that makes us that much stronger and that much more articulate as we think about moving this agenda forward in 2019.

So-- so, again, I sort of feel like this is a huge lesson learned to us all. We'll be that much more ready and thoughtful going into 2019. Thank you very much-- to-- (UNINTEL) in Italian Mission for allowing us this opportunity. And I-- I hope that this will continue as we-- as we move forward into-- into April, and then 2019.

## **LUIGI MARINI:**

Yeah, thank you, Kasia-- for giving us the opportunity of thinking about that, having-- a meeting just-- just-- so-- so nice it's informal, (NOISE) so-- the best debates come in this way, more than in official, formal, rigid protocol debates. Italy, Peru, and Chile are planning-- scheduling a meeting dedicated to women and drugs during UNGASS.

There will be a side event on 20th of April, 5:30 in the afternoon. We shall try to reinforce, to strengthen the premise about-- about-- within the-- the international community of states. Many states are no-- are not keeping the point. I think this is one of the reason for not having this kind of items within the CSW and in other fora.

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So, I think we are starting working on that. And the cooperation between civil society, NGOs, and states, member states, is fundamental to that. Because it's not an item we can deal only from the perspective of public authorities, but it's an item that must be discussed-- developed, and-- implemented by a strong cooperation between public and private sector.

And agenda 2030 is just definitely in this direction. So, it's up to you so stimulate states, and it's up to us to open our doors to you-- to your attention. So, thank you for coming, for your presence, and for your contribution. Have a good day.

## **FEMALE VOICE:**

Thank-- thank you. (APPLAUSE)

\* \* \*END OF TRANSCRIPT\* \* \*