

Thematic section

27 September 2018: Cross-cutting issues: drugs and human rights, youth, children, women and communities

Title and topic of statement

Women and drug courts.

Assessing the impact of drug courts on women as drug users, support network of drug courts' participants and victims of domestic violence.

Transcription

Good morning to everybody. My name is Corina Giacomello from EQUIS Justice for Women, a Mexican feminist NGO. This intervention is on women and drug courts.

Drug courts are usually presented as an alternative to incarceration for people accused of committing minor offences connected to their drug dependence.

The model has been increasingly implemented in Latin America and the Caribbean, but has been subject to little evaluation. An aspect which is consistently invisible is the threefold impact of drug courts on women 1) as users who are admitted to the program; 2) as economic and emotional supporters of male participants (mainly in their role as mothers and partners) and, where applicable, 3) as victims of domestic violence of drug dependent partners or relatives.

Equis Justicia para las Mujeres has carried out a research which shows how drug courts in Mexico reinforce gender roles stereotypes, including gender-based violence.

Our main findings challenge the basis of drug courts and introduce new questions to its compliance with the international system of human rights. What are these findings?

In the first place, drug courts in Mexico – and in Latin America in general – are not an alternative to incarceration, since they rely on the criminal justice system, actually providing this with the power to take decisions that belong to the public health system, basically regarding treatment options. Treatment is not truly a volunteer choice, since the

drug courts' discourse is "either treatment or imprisonment". Furthermore, in Mexico the legal framework for drug possession and drug consumption is still punitive and drug courts reinforce the idea that dependent drug users are more prone to commit crimes.

In line with gender-based stigma and discrimination, women users who seek treatment, not only have less access to treatment, but are also more stigmatized, especially women who are mothers (accused of being bad mothers), sex workers and women living on the street.

Drug courts heavily rely on the candidates' "family network" for treatment to succeed; our study shows that such nets basically consist of women (wives, sisters, mothers) who not only have to undertake caring and economic roles, but also support the candidate in order for him or her to fulfill all the requirements of the court (such as attending the hearings, show up at drug-free tests, etc.). So, basically, the State is relying on families – mainly women – to succeed in its "model", which is highly questionable.

Also, in Mexico, cases of several gender-based violence crimes (such as domestic violence and sexual harassment) are processed through drug courts, a model which, supposedly, is crafted to respond to minor crimes, thus promoting tolerance and impunity in a country with a significant problem of violence against women.

Because of the above, we consider that a) drug courts are not an alternative to incarceration but, quite the opposite, they are an arm of the criminal justice system; b) its conceptual basis rest on the assumption that drug users commit crimes; c) the implementation of drug courts, both in terms of offenses and practices, strengthens gender roles, particularly the role of "women as caregivers" and promotes the imaginary of violence against women as an unimportant matter.

So drug courts constitute a threat and an obstacle in the development of alternatives to incarceration and the advancement of the eradication of gender-based violence.

With our work, we wish to open up the debate on the gendered impact of this model, in order to challenge its further expansion and advocate for the design of public policies for addressing drug use that successfully incorporate gender and human rights standards.

