

Proportionality in reactions to drug-related crime

Drug policies should place proper emphasis on effective law enforcement and adequate responses to drug-related crime. Law enforcement plays an integral role in violence and drug use prevention by protecting public safety, reducing the availability of drugs and discouraging drug use. It can also be a powerful motivator for drug treatment. Indeed, the criminal justice system should join those in the clinical and social services fields to form a powerful engine to facilitate long-term recovery.

Alternative sanctions, record expungement, and Good Samaritan laws should empower those in recovery to become integrated members of society free from the influences of drugs and crime. Since crime often accompanies drug taking behavior, it is vital to have a therapeutic approach within the criminal justice system to provide treatment services to promote the recovery of an offender.

The Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, indicates the necessity for the Member States to provide drug users – who have committed drug related offenses – measures of treatment, education, rehabilitation and social reintegration, as alternatives to conviction or incarceration.

Furthermore, the UNGASS Outcome Document emphasizes the need to have proportionate sentencing; *“Consider sharing, through the Commission on Narcotic Drugs, information, lessons learned, experiences and best practices on the design, implementation and results of national criminal justice policies, including, as appropriate, domestic practices on proportional sentencing, related to the implementation of the three international drug control conventions, including article 3 of the 1988 Convention”*

The Drug Policy Futures network urges all Member States to consider the following

- We urge Member States to work for abolition of the death penalty for violations of laws prohibiting or regulating the possession, use, distribution, and the manufacture of illegal drugs. We urge cooperation between Member States and UNODC to ensure respect for human rights and the right to a fair trial.
- We advocate for the United Nations to take the lead and call on the Member States to abide by the Conventions and the numerous international human rights instruments with respect to proportionate sentencing.
- In the case of drug-related crimes, courts should consider the consequences and the gravity of crimes in order to accurately proportionate the punitive measures. Their decisions should always fully respect human rights, while giving priority to the problem of addiction in order to offer a multidisciplinary, recovery-oriented approach. This is the best way to avoid recidivism and enable offenders to re-enter society fully.

- We encourage Member States to have a person-centered approach in the sentencing of drug related crimes while working to reintegrate offenders as contributing members of society. Proportionate consequences are important for all drug crimes; in the case of minor offenses, education, a monetary fine or community service may be appropriate, especially if there is no need for utilization of treatment services.
- Member states should promote treatment for people with substance use disorders, including those in the criminal justice system (for example, through drug treatment courts). We welcome and encourage Member States to allow individuals with substance use disorders who present themselves to treatment to avoid prosecution for minor drug crimes.
- Member States need to increase availability and quality of treatment. The number of affordable and effective treatment services is not adequate in many countries, which prevents the full implementation of alternative sanctions.
- Treatment services should provide a wide range of opportunities, allowing people with substance use disorders to choose the option that is appropriate for their needs. Treatment services should be available to everybody.
- We urge Member States to develop long term care plans for offenders with the explicit aim of recovery and reintegration in to society.

Proportionality in sentencing and alternatives to prison for those who commit drug-related offenses should be prioritized by Member States. We must acknowledge and apply the recommendations and obligations contained in the core international human rights instruments. Drug treatment courts and probation services could be a good example of these principles applied in practice. In many countries, courts can suspend administrative or penal sanctions when the person voluntarily submits to treatment for addiction.

In applying these measures, the role of law enforcement and criminal justice can change and gain a broader perspective as an agent of public safety and a promoter of community well-being. Indeed, the above measures have been shown to be effective in improving the chances that former offenders successfully reintegrate into society, and consequently reducing recidivism.

This statement is supported by an alliance of networks covering more than 300 NGOs from all over the world:

Drug Policy Futures European Cities Against Drugs IOGT International
 Smart Approaches to Marijuana World Federation Against Drugs
 Active – Sobriety, Friendship and Peace Recovered Users Network
 EURAD – A network for prevention, treatment and recovery
 Actis – Norwegian Policy Network on Alcohol and Drugs
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