



Promoting penal
reform worldwide

128th Assembly of the Inter-Parliamentary Union

**'THE LEGALIZATION OF DRUGS:
CAN IT HELP CURB ORGANIZED CRIME?'**

**PANEL DISCUSSION
21-27 March 2013, Quito/ Ecuador**

**Statement by Penal Reform International:
The unintended negative consequences of the 'war on drugs'**
Andrea Huber, Policy Director

Honourable Chair,
Distinguished delegates,

While undoubtedly the negative effect of drug trafficking and related transnational organised crime on development, peace and security cannot be stressed enough, over the last decades, the **criminalisation of drug offences** failed to provide a rationale and proportionate response.

Criminal sanctions for drug offences vary from country to country, however, as a trend there is little differentiation between use and possession at one end of the scale, and large-scale trafficking with links to organised crime, at the other end.

Relatively small numbers of those responsible for organising large-scale commercial drug trafficking are being prosecuted, whereas the majority of convictions are for small-scale offences, drug possession and use.

This assessment is supported by a topical study of the UN Office for Drugs and Crime, published in January 2013, which states: 'The global increase in drug-related crime is driven mainly by a rising number of offences related to drug possession, particularly in Europe and Africa (...) As a result of such trends, offences related to drug possession currently comprise 83 per cent of total global drug-related offences, up from 80 per cent in 2005.'

The undifferentiated criminalisation of drug offences has resulted in a **huge expansion of prison populations**. The number of people criminalised as a consequence of the 50 year 'war on drugs' goes into the millions.

At the same time studies suggest that deterrence of the use of drugs by criminalisation is marginal at best compared to the wider social, cultural and economic factors that drive drug use.

In its World Drug Report 2012, UNODC has therefore suggested to rebalance drug control policy through alternative development, prevention, treatment and fundamental human rights.

Distinguished Members of Parliament,

In the light of the IPU's engagement with strategies following the MDGs, we would also like to raise the **link between substance abuse and poverty**.

People who use drugs, or are accused of small-scale drug offences, generally belong to poor and socially excluded groups, and disproportionately represent ethnic and other minority groups. An overwhelming percentage of drug users are struggling with unemployment, poor skills, low income, poor housing, and bad health and family environments.

Rather than deterring them in future, the criminalisation of drug users drives them further into the cycle of poverty. Once marked with the stigma of a criminal sentence, access to work, housing and education is even further jeopardised.

Furthermore, criminalising users, drug treatment and harm reduction activities, has **indirectly contributed to the global HIV/AIDS epidemic**.

Criminal laws banning syringe and needle provision drive people away from life-saving HIV prevention and other health services, and encourage high-risk behaviour such as sharing needles. Moreover, behind bars HIV prevalence and AIDS cases are many times higher than among the general population; and with the release from prison inevitably affects the community as a whole.

We would also like to draw your attention to the fact that to date, 33 countries or territories retain the **death penalty for drug related offences**.

In the light of these issues, we encourage parliamentarians to engage in reforms of criminal law relating to drug offenses, in particular to review policy and legislation to ensure sentencing is fair and proportionate, and consider decriminalising personal possession or reviewing laws and regulations relating to thresholds and quantities.

I would like to flag PRI's Briefing on 'The unintended negative consequences of the "war on drugs"', and would like to close our statement by quoting Mr Yuri Fedotov, Executive Director of the UN Office for Drugs and Crime in 2010: 'Drug dependency is a health disorder, and drug users need humane and effective treatment – not punishment'.

Thank you for your attention.

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