



Promoting fair and  
effective criminal justice

**Oral statement:**

**Impact of the world drug problem on the enjoyment of human rights**

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*Director Penal Reform  
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Dear Chairperson,  
Distinguished delegates,

Penal Reform International is grateful for the opportunity to deliver its considerations relating to the impact of current drug policies on human rights in the context of the criminal justice system.

The enforcement of overly punitive laws for drug offences has not proven effective in curbing the production, trafficking and consumption of illicit substances, but rather, focusing limited resources on low-level offenders and drug users has prevented governments from targeting the perpetrators of organised crime who fuel for their financial benefit the drug addictions of usually poor and marginalised users.

While there is no evidence that punitive enforcement measures significantly deter the use of drugs, the 'war on drugs' has had a negative human rights impact in numerous regards, including overloading criminal justice systems, fuelling prison overcrowding and exacerbating health problems.

The 'war on drugs' has seen the application of **punitive criminal sanctions** for drug offenders, with 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. This has given rise to a dramatic increase in the number of persons disproportionately criminalised for small-scale drug offences, and has fuelled prison overcrowding. A 2013 UNODC study suggests that offences related to drug possession comprise 83 per cent of total global drug-related offences.

Furthermore, studies suggest that **ethnic minorities and marginalised groups** living in poverty are disproportionately targeted by drug enforcement efforts. Research suggests that ethnic minorities are many times more likely than whites to be imprisoned for drug-related offences. Furthermore, international anti-drug policies have been identified as a leading cause for the rising rates of incarceration of women around the world, and prison statistics show a higher percentage of **women** in prison for drug-related offences in comparison to men are. This trend has been attributed, in part, to the greater ease with which low-level crimes can be prosecuted, with women's primary role in drug trafficking being that of a mule.

We also would like to point out concerns with regard to the provision of **health-care services** and harm reduction in prisons to detainees dependent on drugs, and with regard to conditions that

aggravate or favour the spread of infectious diseases – can contribute to, or even constitute, conditions that meet the threshold of ill-treatment.

Given that in most countries HIV and HCV prevalence rates in prison are significantly higher than in the general population, and that the majority of prisoners eventually return to their communities, it is both a public health and human rights imperative for prison authorities to ensure that prisoners have access to harm reduction services and programmes.

We are particularly concerned that the **death penalty** was prescribed in 33 countries for drug-related offences in 2012, and that around 1,000 people are executed every year as a result. We would like to emphasise that drug offences do not meet the threshold of 'most serious crimes' as enshrined in the International Covenant on Civil and Political Rights (ICCPR).

Lastly, the 'war on drugs' has also led to mass detention of drug users in **compulsory 'drug detention centres'**. We would like to recall that in March 2012, 12 UN agencies called on states to close compulsory drug detention and rehabilitation centres and implement voluntary, evidence-informed and rights-based health and social services in the community.

Chairperson,

There is a growing recognition that 50 years of the 'war on drugs' has not achieved its objectives, while resulting in serious human rights concerns.

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

In light of the growing acknowledgement of the unintended negative consequences of the 'war on drugs' we call on states to ensure that next year's UNGA Special Session on drugs questions, evaluates and redefines the overall objectives of the drug control system, with human rights as a foundation, and to review their drug policies with a view to ensuring a differentiated and proportionate response.

End.