



## **“Taking Control: Pathways to Drug Policies that Work”**

### **EXECUTIVE SUMMARY**

The upcoming United Nations General Assembly Special Session on Drugs (UNGASS) in 2016 is an unprecedented opportunity to review and re-direct national drug control policies and the future of the global drug control regime. As diplomats sit down to rethink international and domestic drug policy, they would do well to recall the mandate of the United Nations, not least to ensure security, human rights and development. Health is the thread that runs through all three of these aspirations, and the UN global drug control regime has the ‘health and welfare of mankind’ as its ultimate goal. But overwhelming evidence points to not just the failure of the regime to attain its stated goals but also the horrific unintended consequences of punitive and prohibitionist laws and policies.

A new and improved global drug control regime is needed that better protects the health and safety of individuals and communities around the world. Harsh measures grounded in repressive ideologies must be replaced by more humane and effective policies shaped by scientific evidence, public health principles and human rights standards. This is the only way to simultaneously reduce drug-related death, disease and suffering *and* the violence, crime, corruption and illicit markets associated with ineffective prohibitionist policies. The fiscal implications of the policies we advocate, it must be stressed, pale in comparison to the direct costs and indirect consequences generated by the current regime.

The Global Commission proposes five pathways to improve the global drug policy regime. After putting people’s health and safety at the center of the picture, governments are urged to ensure access to essential medicines and pain control. The Commissioners call for an end to the criminalization and incarceration of users together with targeted prevention and treatment strategies for dependent users. In order to reduce drug related harms and undermine the power and profits of organized crime, the Commission recommends that governments regulate drug markets and adapt their enforcement strategies to target the most violent and disruptive criminal groups rather than punish low-level players. The Global Commission's proposals are complementary and comprehensive. They call on governments to rethink the problem, do what can and should be done immediately, and not to shy away from the transformative potential of responsible regulation.

The obstacles to drug policy reform are both daunting and diverse. Powerful and established drug control bureaucracies, both national and international, staunchly defend *status quo* policies. They seldom question whether their involvement and tactics in enforcing drug policy is doing more harm than good. Meanwhile, there is often a tendency to sensationalize each new “drug scare” in the media. And politicians regularly subscribe to the appealing rhetoric of “zero tolerance” and creating “drug free” societies rather than pursuing an informed approach based on evidence of what works. Popular associations of illicit drugs with ethnic and racial minorities stir fear and inspire harsh legislation. And enlightened reform advocates are routinely attacked as “soft on crime” or even “pro-drug.”

The good news is that change is in the air. The Global Commission is gratified that a growing number of the recommendations offered in this report are already under consideration, underway or firmly in place around the world. But we are at the beginning of the journey and governments can benefit from accumulating experience where reforms are being pursued. Fortunately, the dated rhetoric and unrealistic goals set during the 1998 UNGASS on drugs are unlikely to be repeated in 2016. Indeed, there is growing support for more flexible interpretations and reform of the international drug control conventions aligned with human rights and harm reduction principles. All of these developments bode well for the reforms we propose below.

#### **OUR RECOMMENDATIONS CAN BE SUMMARIZED AS FOLLOWS:**

**Putting health and community safety first requires a fundamental reorientation of policy priorities and resources, from failed punitive enforcement to proven health and social interventions.** Both the stated goals of drug control policies, and the criteria by which such policies are assessed, merit reform. Traditional goals and measures – such as hectares of illicit crops eradicated, amounts of drugs seized, and number of people arrested, prosecuted, convicted and incarcerated for drug law violations – have failed to produce positive outcomes. Far more important are goals and measures that focus on reducing both drug-related harms such as fatal overdoses, HIV/AIDS, hepatitis and other diseases as well as prohibition-related harms such as crime, violence, corruption, human rights violations, environmental degradation, displacement of communities, and the power of criminal organizations. Spending on counterproductive enforcement measures should be ended, while proven prevention, harm reduction and treatment measures are scaled up to meet need.

**Ensure equitable access to essential medicines, in particular opiate-based medications for pain.** More than eighty per cent of the world’s population carries a huge burden of avoidable pain and suffering with little or no access to such medications. This state of affairs persists despite the fact

that the avoidance of ill health is a key objective and obligation of the global drug control regime. Governments need to establish clear plans and timelines to remove the domestic and international obstacles to such provision. They also should provide the necessary funding for an international program – to be overseen by the World Health Organization (WHO) and developed in partnership with the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB) – to ensure equitable and affordable access to these medicines where they are unavailable.

**Stop criminalizing people for drug use and possession – and stop imposing “compulsory treatment” on people whose only offense is drug use or possession.** Criminalization of drug use and possession has little to no impact on levels of drug use in an open society. Such policies do, however, encourage high risk behaviours such as unsafe injecting, deter people in need of drug treatment from seeking it, divert law enforcement resources from focusing on serious criminality, reduce personal and government funds that might otherwise be available for positive investment in people’s lives, and burden millions with the long-lasting negative consequences of a criminal conviction. Using the criminal justice system to force people arrested for drug possession into “treatment” often does more harm than good. Far better is ensuring the availability of diverse supportive services in communities. This recommendation, it should be noted, requires no reform of international drug control treaties.

**Rely on alternatives to incarceration for non-violent, low-level participants in illicit drug markets such as farmers, couriers and others involved in the production, transport and sale of illicit drugs.**

Governments devote ever increasing resources to detecting, arresting and incarcerating people involved in illicit drug markets – with little or no evidence that such efforts reduce drug-related problems or deter others from engaging in similar activities. Community-based and other non-criminal sanctions routinely prove far less expensive, and more effective than criminalisation and incarceration. Subsistence farmers and day labourers involved in harvesting, processing, transporting or trading who have taken refuge in this illicit economy purely for reasons of survival of their families should not be subjected to criminal punishment. Only longer-term socio-economic development efforts that improve access to land and jobs, reduce economic inequality and social marginalization, and enhance security can offer them a legitimate exit strategy.

**Focus on reducing the power of criminal organizations as well as the violence and insecurity that result from their competition with both one another and the state.** Governments need to be far more strategic, anticipating the ways in which particular law enforcement initiatives, particularly militarized ‘crackdowns’, may often exacerbate criminal violence

and public insecurity without actually deterring drug production, trafficking or consumption. Displacing illicit drug production from one locale to another, or control of a trafficking route from one criminal organization to another, often does more harm than good. The goals of supply-side enforcement need to be reoriented from unachievable market eradication to achievable reductions in violence and disruption linked to the trafficking. Enforcement resources should be directed towards the most disruptive, problematic and violent elements of the trade – alongside international cooperation to crack-down on corruption and money laundering. Militarizing anti-drug efforts is seldom effective and often counterproductive. Greater accountability for human rights abuses committed in pursuit of drug law enforcement is essential.

**Allow and encourage diverse experiments in legally regulating markets in currently illicit drugs, beginning with but not limited to cannabis, coca leaf and certain novel psychoactive substances.** Much can be learned from successes and failures in regulating alcohol, tobacco, pharmaceutical drugs and other products and activities that pose health and other risks to individuals and societies. New experiments are needed in allowing legal but restricted access to drugs that are now only available illegally. This should include the expansion of heroin-assisted treatment for some long-term dependent users, which has proven so effective in Europe and Canada. Ultimately the most effective way to reduce the extensive harms of the global drug prohibition regime and advance the goals of public health and safety is to get drugs under control through responsible legal regulation.

**Take advantage of the opportunity presented by the upcoming UNGASS in 2016 to reform the global drug policy regime.** The leadership of the UN Secretary-General is essential to ensure that all relevant UN agencies – not just those focused on law enforcement but also health, security, human rights and development – engage fully in a “One-UN” assessment of global drug control strategies. The UN Secretariat should urgently facilitate open discussion including new ideas and recommendations that are grounded in scientific evidence, public health principles, human rights and development. Policy shifts towards harm reduction, ending criminalization of people who use drugs, proportionality of sentences and alternatives to incarceration have been successfully defended over the past decades by a growing number of countries on the basis of the legal latitude allowed under the UN treaties. Further exploration of flexible interpretations of the drug treaties is an important objective, but ultimately the global drug control regime must be reformed to permit responsible legal regulation.