

# IDPC Drug Policy Guide

## Executive Summary

**The International Drug Policy Consortium (IDPC) is a global network of NGOs and professional networks that specialise in issues related to illegal drug production and use. The Consortium aims to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and supports evidence-based policies that are effective in reducing drug-related harm. It produces occasional briefing papers, disseminates the reports of its member organisations about particular drug-related matters, and offers consultancy services to policy makers and officials around the world.**

### Introduction

All governments now face increasingly complex challenges in deciding how to respond to the problems caused by illegal drug markets and use in their territories. Around the world, policy makers have realised that a traditional 'war on drugs' approach has not led to the eradication of illegal markets or significantly reduced levels of drug use. This reality means that governments now need to adopt balanced and integrated strategies and programmes that are effective in containing the scale of the illegal market, while at the same time minimising the associated harms – drug related crime, risks to public health, and the social impact on families and communities.

Identifying the right strategies and programmes for individual countries, particularly in a period of cutbacks in public expenditure, is a daunting challenge. However, governments need to address this challenge carefully in the coming years, as the development of more efficient drug policies have been shown to have long term impacts on the overall social conditions, and economic productivity, of individual countries.

Policy makers can feel overwhelmed by the mass of analysis, research, policy options, and often polarised debate in the drug policy field. They are also pressured by a public and media that want quick solutions, and opposition politicians who are eager to criticise them for failing, or for being 'soft on drugs'. In addition, crime and citizen insecurity concerns often result in popular support for hard-line approaches to drug and crime issues.

The IDPC Drug Policy Guide brings together global evidence and examples of best practice, and provides detailed recommendations to guide national policy makers in the design and implementation of drug policies and programmes. This executive summary gives a brief introduction to the issues covered in the guide – if you wish to download the full guide, it is available at [www.idpc.net](http://www.idpc.net).

## Chapter I: Core principles

Section one of the IDPC Policy Guide articulates 5 principles for effective and humane drug policies.

1. **Drug policies should be developed through a structured and objective assessment of priorities and evidence.** The Guide highlights the importance, in such a politically sensitive policy area, of undertaking objective and independent evaluation of policies implemented. Rather than measuring the number of seizures and arrests, evaluations should focus on the extent to which policies and programmes have reduced drug-related crime, health and social problems. Policy makers are understandably wary of reviews that may highlight failings or raise difficult political questions, but a commitment to greater understanding of policy impact is essential if we are to learn from experience. Timescale is also important – reviewing policies over too short a period will make it difficult to assess trends and impacts, whereas the fast moving nature of drug markets and patterns of use mean that governments cannot afford to lock themselves into fixed strategies for too long.
2. **All activities should be undertaken in full compliance with international human rights law.** It is only recently that researchers and policy analysts have begun to examine the various ways in which drug policies and programmes could infringe on the fundamental rights and freedoms enshrined in the UN Charter, and the subsequent Conventions and declarations that make up the global human rights apparatus. These infringements include the use of the death penalty, extrajudicial punishment or disproportionate sentences for drug offences, unwarranted invasions of privacy, but also widespread cases of the denial of access to essential health services or the use of torture, cruel and inhuman punishment in the name of drug treatment. All of these drug control activities are in direct conflict with governments' international obligations to promote and protect human rights. The compliance of drug control policies with human rights obligations is therefore a key principle for the development and review of drug policies.
3. **Drug policies should focus on reducing the harmful consequences, rather than the scale, of drug use and markets.** Over the past century, countries have focused much of their drug control efforts on reducing the scale of drug markets, primarily through punitive means according to the deterrence principle, believing that this would reduce drug-related harms. These attempts have been largely unsuccessful and have often led to additional harms. For example, laws criminalising drug use and the possession of injection 'paraphernalia' encourage the police to harass people who use drugs at needle exchange sites, keeping them away from much needed HIV and hepatitis prevention services, hence increasing the prevalence of diseases among this vulnerable population. Available evidence shows that policies and programmes that explicitly aim to reduce specific harms are more effective than those that attempt to create a 'drug free' society. The term 'harm reduction' often refers to health promotion measures such as needle exchange programmes, drug prevention, treatment and other social support programmes, but also encompasses measures that aim to reduce a wide range of drug-related harms for the individual, the community and the overall population. Harm reduction is therefore a pragmatic approach which recognises that the overall reduction of the scale of drug markets and use is not the only, or even the most important, objective of drug policy. Governments must therefore start by assessing which drug related harms have the most negative impact on their citizens in order to design and implement effective drug policies.

4. **Policy and activities should seek to promote the social inclusion of marginalised groups, and not focus on punitive measures towards them.** The ‘war on drugs’ is at least partly based on the idea that, if society shows a total disapproval of drug use and government agencies work hard to identify and punish drug users, then potential users will be deterred from becoming involved with illicit drugs. Many aspects of current drug strategies are therefore based on the theory that social exclusion – through widespread arrest and punishment of drug users, drug testing, exclusion from schools and work, and denial of access to state benefits – acts as a deterrent for drug use. However, the deterrent principle rarely works in practice. More importantly, this process of exclusion is often applied to already marginalised groups in society – the poor, ethnic minorities and migrants – when, at the same time, other government social and economic development programmes are trying to increase the inclusion of these very same groups. These drug control policies can therefore unintentionally undermine the work of social and economic development programmes. IDPC therefore proposes that national drug strategies should be based on the principle of social inclusion, and aim to maximise the social and economic integration of the poor and marginalised communities where drug use and markets currently thrive. A greater alignment between drug control and development strategies is therefore necessary.
  
5. **Governments should build open and constructive relationships with civil society in the discussion and delivery of their strategies.** Political sensitivities have often led policy makers to view civil society as a problem to be avoided. However, NGOs and drug user and grower representatives are an invaluable source of expertise because of their understanding of illicit markets and drug using communities. The main principles of positive engagement with civil society are:
  - Supporting appropriate policy formulation and priority-setting based on practical advice and evidence;
  - Reinforce political support in the design and implementation of appropriate strategies;
  - Facilitating effective communication between policy makers and key civil society stakeholders, making sure that people and communities are involved in planning interventions that will impact on them;
  - Seeking mutually beneficial partnerships with civil society organisations to undertake joint programming and/or act as programme implementers; and
  - Stimulating a vibrant network of civil society organisations that can continue to support effective policy and programme design and implementation.

The three following chapters summarise evidence, experience and examples of best practice, and provide recommendations to national governments for the design and implementation of effective and humane drug policies.

## Chapter II: Criminal Justice

Law enforcement agencies and criminal justice systems have a key function in responding to drug markets and drug-related crime. However, IDPC advises national governments to move their attention away from measuring success in terms of numbers of arrests and prosecutions, or amounts of drugs seized, as these ‘process’ measures do not seem to reduce the scale of the problem. Rather, strategies should focus more directly on reducing the specific health, crime and social consequences of drug markets and drug use. This change of focus will necessitate a review of criminal justice strategies and tactics, including:

1. **Reforming drug laws**, so they can better distinguish between the different actors interacting in the drug market – casual users, dependent users, ‘social’ dealers, ‘mules’, and commercial dealers – and focus harsh punishments on those that control drug markets for significant commercial gain.
2. **Refocusing law enforcement strategies** so that they explicitly aim to reduce the violence, intimidation and corruption associated with drug markets, applying most attention to the most violent and ruthless groups, rather than low-level offenders. These policies and programmes should be implemented in close partnership with health and social agencies.
3. **Implementing programmes to divert minor offenders away from expensive court proceedings or prison sentences** in order to reduce the clogging up of court and prison systems with minor drug cases, which is expensive, creates management problems, and does not help reduce the overall drug problem.
4. **Creating prison drug strategies** that combine security, treatment and public health measures to manage the concentration of drug users in already overcrowded state controlled settings.

## Chapter III: Social and Health Programmes

IDPC calls for greater investment in prevention, treatment and harm reduction programmes as the most cost effective way of reducing the health and social problems associated with drug markets and drug use. Global evidence and a number of examples of best practice can inform national drug strategies:

1. **Prevention** While drug prevention is clearly preferable to responding after problems occur, there has been little evidence that generalised drug prevention campaigns effectively reduce overall levels of drug use. Many of these initiatives have improved awareness of risks or contributed to a more general development of decision making skills, but they have not achieved the primary objective of reducing prevalence or rates of initiation. Available evidence demonstrates that a correlation seems to exist between the levels of drug use within a community and social cohesion. In other words, low levels of problematic drug use are associated to “protective factors” (family cohesion, socially inclusive communities, economic equality, educational and job opportunities, etc.). Understanding what makes communities most susceptible to problematic drug use will help policy makers minimise the risks by implementing targeted socio-economic development projects. Although this approach can appear as a major challenge for governments and local communities, it will be the most effective way to reduce the scale of the overall drug market and levels of problematic use in the long run.

2. **Drug dependence treatment** Drug dependence treatment is based on the principle that drug dependence is a treatable disease, rather than a moral failing or a crime. Available evidence demonstrates that well designed and delivered programmes can lead to significant reductions in the health and crime problems associated with drug dependence. This chapter emphasises the need for governments to develop integrated treatment systems that encompass mechanisms for identifying drug dependent individuals, offering them access to a range of treatment programmes, and managing their re-integration into jobs, housing and community life. These should be designed and implemented through partnerships between health, social affairs and criminal justice agencies.
3. **Harm reduction** There is clear evidence that the implementation of a range of activities can reduce infections such as HIV/AIDS and hepatitis, or the level of death through accidental overdoses. While these activities do not necessarily reduce the overall level of demand, they are effective in reducing some of the health and social consequences of drug dependence, so should be made widely available in areas where the health consequences of drug use are of concern.

## Chapter IV: Strengthening communities

This chapter is divided into three sections that aim to promote the principles of social inclusion and development:

1. **Reducing drug market violence** This section highlights various examples of good practice and concludes that law enforcement strategies should only be designed and implemented after a clear understanding of the structure and dynamics of illegal drug markets. Efforts should focus on reducing the violence associated with drug markets rather than their overall scale, and lessen the levels of socio-economic inequality in the areas most affected by them.
2. **Promoting alternative livelihoods** After an evaluation of available evidence, IDPC found that crop eradication was costly and impacted particularly negatively on poor and marginalised farmers. An alternative livelihoods approach, properly sequenced and entailing a comprehensive development strategy designed to improve the overall quality of life of peasant producers, can successfully reduce the cultivation of crops destined for the illicit drug market.
3. **Protecting the rights of indigenous people** This last section of the Guide focuses on violations to the rights of indigenous people in the name of drug control. IDPC proposes an approach to drug policy that is respectful of these rights, and provides evidence that these policies do not lead to increases in drug production and consumption.

This Guide was published in 2009, following a collaborative research and consultation effort with our global network of experts. It will be updated regularly in order to reflect the latest evidence and examples of best practice in the drug policy field.

Please consult our website ([www.idpc.net](http://www.idpc.net)) or contact the IDPC Secretariat ([contact@idpc.net](mailto:contact@idpc.net)), for more information on the IDPC Drug Policy Guide and on drug policy.

The full version of the Guide is available on the IDPC website in

- English: <http://www.idpc.net/publications/idpc-drug-policy-guide-version-1>
- Spanish: <http://www.idpc.net/es/publications/guia-sobre-politicas-de-drogas-idpc>
- Russian: <http://www.idpc.net/ru/publications/idpc-drug-policy-guide-russian>

IDPC has a wide range of publications on drug policy developments from around the world. All of these publications are based on the basic principles and recommendations provided in the Guide.

### **IDPC Magazines**

- Human rights violations in the name of drug control
- Law enforcement attitudes towards drugs in South East Europe

### **IDPC Reports**

- The 2010 World Drug Report: A response from the International Drug Policy Consortium
- The 2009 World Drug Report: A response from the International Drug Policy Consortium
- IDPC Response to the 2009 INCB Annual Report
- IDPC Response to the 2008 INCB Annual Report
- 2010 CND Proceedings Document
- 2009 CND Proceedings Document

### **IDPC Advocacy Notes**

- Some initial priorities for Mr. Fedotov, the new Executive Director of UNODC
- A call to the new Secretary of the International Narcotics Control Board: ongoing challenges

### **IDPC Briefing Papers**

- Heroin assisted treatment, the state of play
- Jar wars: the question of schools-based drug testing
- Time for an impact assessment of drug policy
- The 10-year review of the United Nations Drug Control System: Difficult questions remain for members and UN system wide coherence
- Drug control and its consequences in Rio de Janeiro
- Resources for developing integrated national policies on controlled drugs in Latin America and the Caribbean
- Arms trafficking from the United States to Mexico: divergent responsibilities
- Cannabis in Mexico: an open debate

### **IDPC/TNI series on legislative reform of drug policies**

- Drug law reform: lessons from the New Zealand experience
- Sentencing for drug offences in England and Wales

These publications can be downloaded at: [www.idpc.net/publications](http://www.idpc.net/publications).

IDPC is a dynamic global network of NGOs and professional networks, which has grown to over 60 members since our inception in 2006. We have established members in the following regions: the Caribbean, Eurasia, Latin America, North America, South Asia, South East Asia, Oceania, South East Europe, and Western Europe. In the Middle East/North Africa and Sub-Saharan Africa we are forging new links with both civil society actors and policy makers.

The IDPC Drug Policy Guide is central to our policy and advocacy work with national policy makers. This document brings together global evidence and examples of best practice on the design and implementation of drug policies and programmes at the national level. Each chapter of the Guide describes the nature of the policy challenges and the range of evidence and experience around the world on issues as varied as criminal justice, health and social programmes, and strengthening communities.

The advice and recommendations provided in this Guide aim to encourage open dialogue with policy makers based on experience and scientific evidence. This Guide is also an important tool for civil society actors as they seek to engage constructively with policy makers on the issue of effective and humane drug policies.



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