



**“Individuals who use drugs do not forfeit their human rights. Too often, drug users suffer discrimination, are forced to accept treatment, marginalised and often harmed by approaches which over-emphasise criminalisation and punishment while under-emphasising harm reduction and respect for human rights.”**

*Navanethem Pillay, UN High  
Commissioner for Human Rights*

Welcome to the first issue of the IDPC magazine. This series of magazines from IDPC will feature personal stories behind the policy debates to give a flavour of how policies affect the real, lived experiences of people on ground.

Drug policy is too often abstract. Government policy makers and Vienna-based diplomats spend much of their time debating drug law ideology, while forgetting the realities of people badly hurt by the laws and policies they create.

The stories told in this inaugural IDPC magazine are a stark reminder of why the drug laws of many countries across the globe need to be fixed. Each story tells us of the disproportionate harm suffered by individuals, of the badly focused resources targeting low-level “offending”, and of the human rights abuses inflicted in the name of drug control.

The consequences of a zero tolerance approach to drugs have often been more harmful than drug use itself, with overly punitive drug laws contributing to serious violations of human rights. Shifting resources towards prevention, treatment and harm reduction is more effective in reducing drug-related harms than relying solely on the criminal justice system. Such a rebalancing also frees up law enforcement, courts and prisons to focus on more serious crime such as large scale drug trafficking, while removing barriers for dependent drug users to access treatment. Recent advances in research around drug dependency support the notion that drug use should be viewed through a health and social policy lens instead of a criminal justice one.

In recent years, several countries have sought to adopt more humane, evidence-based and public-health focused drug law. The Netherlands and Portugal are among the few countries that have created drug laws which are ‘fit for purpose’.

My country, New Zealand, has an opportunity to create healthier drug law. Our obsolete, 35-year-old Misuse of Drugs Act is undergoing a “first principles” review conducted by the Law Commission, our government’s independent legal brains-trust.

In their review, launched last month, the Commission gave this blunt yet accurate assessment of our drug law: it “no longer provides a coherent and effective legislative framework for responding to the misuse of psychoactive drugs... The Act is now outdated and does not reflect current knowledge and understanding about drug use and related health, social and economic harms.” The same can be said for most drug laws around the world.

I won’t detail the Commission’s well considered law reform options here, but I do recommend that you follow what is happening in New Zealand. In the meantime, reflect on the stories that follow, and remind yourself of the pain that inhumane and harmful drug policies and laws cause to so many people around the world.

*Ross Bell New Zealand Drug Foundation  
[www.drugfoundation.org.nz](http://www.drugfoundation.org.nz)*

## Poland

In Poland, drug possession is illegal regardless the amount. A person caught with a small quantity of drugs can be fined or imprisoned up to one year, whereas a 'considerable' amount of drugs can be punished by up to five years of prison. The current Polish drug law system is regulated by the 2005 Act on Counteracting Drug Addiction and is one of the harshest in Europe. However, the current government is considering changes in the law - a recently commissioned board composed of Ministry of Justice experts advised the government to stop criminalising the possession of small amount of drugs for personal use.

### *Prospects or prison: A young person's brush with the law*

It was in 1999-2000 when hip-hop got more and more popular in Poland. While listening to Polish rap music, I wondered what rappers meant by 'smoking weed' or 'rolling a spliff'. When I was 13, I had my first opportunity to understand. Older school mates asked me if I wanted to "smoke some weed" before classes. Since it was a public holiday, we did not have regular lessons, except for a principal's speech and a trip to a museum. I decided to abscond, and tried weed for the first time. We didn't really know how much to smoke, so we all took too much of it and felt sick. It wasn't very pleasant, but the next day I was very happy to be a 'fully-fledged member' of hip-hop culture. I hadn't really enjoyed smoking cannabis, so after my initiation I barely took any. At that time, Poland had quite soft laws on drugs, so if you possessed less than three grams of cannabis you could not get arrested or even be given a fine.

Things changed as I got older. Cannabis was commonly used by my peers and began to appear at every house party. Many of my friends started to smoke everyday so I started to smoke more often than I used to and to buy my own stuff. I spent one evening in the pub with my friends, playing snooker, drinking beer and smoking cannabis. We were going back home in the middle of the night and were waiting for the night bus. I saw a Metropolitan Guard (a type of police officer, but with a more limited mandate) car approaching us, so I hid my stuff behind the bus stop in case they wanted to see our IDs and search us (this is quite common in Poland). There were CCTV cameras above the bus stop, so my action was immediately spotted by the camera operator who told the Metropolitan Guards about "something suspicious hidden" next to us. They found my stuff after a few seconds and called the regular police to search us (Metropolitan Guards don't have the right to do so). At the beginning, I refused to admit that the stuff was mine, but when the officer showed me the CCTV above my head, I admitted it and hoped that they would be nice enough to release me.

But they didn't. I was taken to the police station where I made a testimony, and was then transported to another police station outside Warsaw (on Friday nights, all jails in Warsaw are usually full of people who have been involved in pub-fights). I spent the night in a cell and the following morning, a police officer took me to my house to search for drugs. My father was waiting there, he wasn't very happy about this, but it could have been much worse. After the search, I was taken back to the police station. After spending another night in custody, I was taken to court. The whole case was dealt with in ten minutes. I had a very nice judge so I just had to sign a contract where I promised not to use any illicit substances for the next two years. This only happened because I had admitted the possession of controlled substances and my parents had hired quite a good lawyer. Usually, such cases end up with suspended sentences, which is very problematic for the sentenced man because it's hard to find a job without a "good behaviour certificate".

## Cambodia

The 1996 Cambodian Law on Drug Control, as amended in 2005, is the legislative framework for all illicit drug activities in Cambodia. The law imposes harsh penalties for drug-related offences, ranging from five years to life imprisonment for drug traffickers. Drug use is considered as a criminal offence punishable by seven days to one month of imprisonment and a fine of between 25,000 to 100,000 riel (US\$6-24). Drug users can also be referred to compulsory drug treatment centres for detoxification. The treatment provided is entirely abstinence-based (both methadone and buprenorphine are prohibited, although the government is currently developing a limited methadone maintenance treatment pilot programme across the country) and the relapse rate is very high.

### *Bribes, beatings and public health*

I was walking from my house over the Vietnamese bridge. The police looked at my face and saw that I was a former injecting drug user. Before that, I had been arrested five or six times for "suspicion of drugs". Basically, I looked like a drug user.

The police usually grab me, tie me up and put me in the truck of their car. They just say that I am a drug user – that's it – "you are a drug user and you are coming with us." Some people even get beaten up.

There are usually 20 police officers altogether – 10 motorbikes and 2 trucks. They surround the area so that people can't run away. These raids usually happen around the holidays... they try to get more money.

They take us to the police station and we spend a day there, in jail. They then ask us for \$20-30 dollars, and if we can pay them, they let us out. If not, we are sent to a detention centre for three months. Two people control the room, where 45 people are locked in a very small space. Every day, we have to go out and work in the fields, either in gardens or construction sites. Exercise in the morning for about an hour, and hours of physical labour all day long. We eat rice and watery soup with vegetables, but no meat. No medical attention, no harm reduction services ... You are forced to work, unless you are too physically ill, then they let you stay inside. There is no help or medical attention for people going through withdrawal, they only piss test you. In the detention centres, there are more injecting drug users than ATS users, and homeless and poor people are sent to the centres as well. After three months, we are released with no means of transportation to go back home. So we have to walk back to Phnom Penh - it took me six hours.

I've known about Korsang (a harm reduction NGO in Phnom Penh) for about five years and I have been a peer worker there for about seven months. My responsibilities as a peer worker consist of picking up syringes and educating users about safer use, HIV risks, transmission, etc.

I wish that people who are apprehended for drug use could receive medical attention, because many people go through withdrawal. Under the current system, if they are sick, they get beaten up. They should receive proper treatment and their human rights should be respected. Drug users should not be beaten up on the streets. . Even if the police have to arrest them, they should do it respectfully.

The police just beat up a pregnant woman yesterday and she went into early labour. We had to bring her to Korsang and then to the hospital. They are beating up more women now.

## Mexico

The simple possession of small quantities of drugs for personal use was recently decriminalised in Mexico (i.e. five grams of cannabis, 500 milligrams of cocaine, 50 milligrams of heroin, etc.) amending the Federal General Health Code of 1977 which regulates drug use. However, many drug users and observers argue that these levels are set too low to make a significant difference. The new law also introduced mandatory minimum sentences for possession of larger amounts of these substances.

### *Drug prohibition and criminal opportunity*

Just a couple of days before a new legislation that allows the possession of a certain amount of controlled substances was passed, three of my friends were hanging out in a well off neighbourhood park, drinking beer and smoking a joint. Soon enough, the joint was consumed and only a roach was left. As the effect of cannabis began to reach its plateau, my friends hid the joint and continued to drink beer in a casual way.

A little while later, they were coarsely approached by a couple of policemen, who argued that it was prohibited to drink alcohol in public places, and that they were under arrest. In Mexico City, the consumption of alcohol in public spaces is now considered to be a misdemeanour, which is punishable by a small fine. Sadly, my uninformed friends did not know this. Being misinformed was the first mistake they made in what was to become a vicious chain of goofy faults.

Taking advantage of my friends' nervousness, the policemen "asked" to frisk their possessions and found the leftover joint. At that point in the story, my friends were still left with a few plausible options: they could have argued that the possession of such a small amount of cannabis did not constitute a crime (which was not entirely true till a couple of days later); had the policemen not gone for that possibility, a small bribe (not something that I condone) and a little attitude would probably have sufficed.

It was then that things really started to go wrong. Intimidated by the policemen's arrogance, my friends allowed them to conduct a second search, that time in their vehicle. As it turns out, a considerably larger amount of cannabis was hidden in the car. This marijuana was genuinely destined for personal consumption, but the policemen now had evidence that suggested otherwise.

Up until then, the policemen's actions, though not cordial, could fall within the legal procedures' framework. What happened next was a clear indication of the corruption and criminal methods that this nation's police force uses in a widespread manner.

Each one of my friends was held in different vehicles: one alone in a patrol car, another in a second patrol car with two policemen guards, and the third one in his own car with three policemen.

The police then began a kind of negotiation / extortion with my friends. To make a long story short, a substantial amount of money was to be given in exchange for the release of my friends (does the word 'kidnapping' ring a bell?). A delivery point was arranged and the exchange was successfully made.



## Indonesia

Drug traffickers can be condemned to the death penalty, drug users can go to prison up to four years and any cannabis offence can be imprisoned for up to 20 years. These harsh penalties contained in the 1997 Indonesian Law on Narcotics were reinforced on 15 September 2009 by the Indonesian Parliament, which nevertheless recognises the use of narcotics for medical and scientific purposes.. The law also stipulates that the parents of a dependent drug user will be criminally prosecuted if they fail to notify the authorities of their child's dependence.

### *Problematic policing: Beyond the law*

I am a former heroin user who had two unfortunate experiences with the police. I was caught by the police for the first time in 2005. At that time, I was in front of Sahid University to meet some friends who studied there. But on the same day, some police officers from the Tebet sectoral police station raided at the university because they were told that a cannabis party was happening there. Since the raid was conducted in an open space, the situation rapidly became chaotic. One of the police officers caught me while I was standing amongst the students: a policeman violently ordered me to pick up a joint butt from the ground and give it to him. I felt intimidated and followed his orders. That's when he pushed me into a police car and took me to the police station.

At the police station, the head of the narcotics unit attempted to force me to admit that the joint was mine. I explained that it was not the case, and told him what had happened. But they kept me in custody. In the custody suite, I was forced to take off my clothes and have a shower with four police officers standing in front of me and staring at me closely. They then forced me to wear nothing but my underwear while I was in custody (I was told that I could not wear my own trousers but they never gave me a prisoner uniform). In my opinion, it was obviously a violation of my right as a citizen. After three days, the police met my parents and asked for money (IDR 250.000, corresponding to US\$26.69). My parents gave the money to the head of the narcotics unit, who then let me go.

In 2006, I once again had to deal with the police. The story began with the arrest of a man, Pu'ung at his rented house, where the police found two packages of heroin. The police forced Pu'ung to call his dealer and order more heroin from him. The dealer agreed to meet Pu'ung in front of a small restaurant near to my house. I came to the restaurant while Pu'ung was waiting for his dealer and started to chat with him. Suddenly, three police officers arrested me and accused me of being a courier of the dealer. They took Pu'ung and me to the police station, without looking for any other evidence of my involvement in this case.

At the police station, an officer forced me to admit that I was guilty. I was taken to a room by two officers, where they started to torture me by stabbing my fingers several times with a ball-point pen, while forcing me to admit my involvement in the case. Because I did not admit it, I was finally taken to the investigating room. An investigator then started to intimidate me by punching both of my ears until I could not hear anything. Finally, I was released, because they could not find any evidence against me.

I hope that these incidents will not happen to anyone else in the future.

## Netherlands

Contrary to what many people may think, possession of cannabis remains a crime in the Netherlands, however people are only prosecuted if there are other factors that causing social harm. Personal use is not a priority. While several relevant acts are applicable, the main legislation regulating drug use is the 1928 Opium Act, which was extensively amended in 1976. The Dutch drug law is driven by a pragmatic, health-oriented approach which discriminates between 'hard' and 'soft' drugs. Law enforcement resources are directed towards international trafficking.

### *Dutch dichotomy: Pragmatism or panic?*

In one of my first childhood memories in Greece, I remember waking up one late afternoon by sounds of laughter. I went into the garden and saw my parents with a bunch of friends, sitting around the table and laughing almost hysterically. There was a basket with bread on the table, next to a plate full of mushrooms. When I went to reach for the mushrooms, they all yelled: 'NO, Stop! These are very nasty mushrooms. You would definitely not like them!', before starting to laugh even louder. At that time I didn't quite understand what was going on, I think I was about five years old then.

I have been living in Amsterdam for 13 years. I started smoking cannabis when I was about 16 years old. My parents did not know about it, even though I came back home stoned out of my mind at least a dozen times. I guess parents usually only see what they want to see. They always told me I should wait until I was 18, because before that time, my brain still needed to develop. Even though I knew they were right (science has proved this), it did not stop me from smoking a joint once in a while. Just like most of young teenagers get drunk, I got high. I preferred that because I was still in control. I never went out when I was young, never puked on the street or fell for bad pick-up lines because I was wasted. For some reason, getting drunk is still less frowned upon than getting high in our society. I don't understand why. It seems to me that alcohol makes you more violent, less in control, and you have a hangover the following day, whereas getting high is usually done in mellow coffee shops or in a living room, with good friends, usually while watching a movie or talking about life.

Growing up in a drug-friendly environment made me very aware of the different effects drugs can have on people. Some have lives that are controlled by drugs, others know when it's enough and how to say no. The latter are the people I've learned from, and look up to. I've travelled through the United States, South America and Europe. In the US, I noticed that young people smoked much larger amounts of cannabis than I'm used to in the Netherlands. The people I met mainly smoked pure joints (without tobacco). Two puffs and you're in different world. In Amsterdam, you're called a 'loser' if you smoke all day. First be productive, do something with your day, and then chill out. Not everyone thinks like that of course, there are exceptions, but I think that the majority thinks that way. People that sit in coffee shops all day are usually considered to be 'lost', they usually are older men, around their forties/fifties, or tourists.

Is cannabis a gateway drug into harder substances? The question alone pisses me off. Most people I know smoke cannabis, but don't take other drugs. If there is such a thing as a 'gateway' to hard drugs, meaning that people have no free choice in their own drug abuse, why not question alcohol?

## IDPC

The International Drug Policy Consortium (IDPC) is a global network of non-governmental organisations (NGOs) and professional networks that specialises in issues related to the production and use of controlled drugs. We aim to promote objective and open debate on the effectiveness, direction and content of drug policies at national and international level, and support evidence-based policies that are effective in reducing drug-related harms. We produce occasional briefing papers, disseminate the reports of our member organisations about particular drug-related matters, and offer expert consultancy services to policy-makers and officials worldwide. IDPC members have a wide range of experience and expertise in the analysis of drug problems and policies, and contribute to national and international policy debates.

This is the first in the IDPC magazine series. These magazines bring together personal stories to highlight the real, lived experiences of people affected by drug policy around the world.

In this issue, we look at the impact of drug laws and their enforcement on people in Poland, Cambodia, Mexico, Indonesia and the Netherlands. The editorial is written by Ross Bell, an IDPC member in New Zealand, who describes a creative approach to the review of that country's drug laws that is being undertaken by their national Law Commission.

We hope you find this magazine of interest. If you have any suggestions for themes or articles for future issues, please email IDPC at [contact@idpc.net](mailto:contact@idpc.net).

## TalkingDrugs

TalkingDrugs is an online space reflecting the global challenge posed by illicit drugs. It provides an opportunity to share stories and insights that will help us find better ways to control illicit drugs and prevent them causing excessive harm.

Everybody is welcome to contribute and get involved. We want people to tell their stories – you can document the impact of drugs in your own community and support others telling their stories through the making of videos, taking photographs and translating content to ensure that the message gets out to as many people as possible.

TalkingDrugs is managed by Release, the UK's centre of expertise on drugs, the law and human rights.

If you want to support the project as a volunteer please email [volunteers@talkingdrugs.org](mailto:volunteers@talkingdrugs.org) and give us an idea of your skills, experience and what you would like to gain from becoming involved in TalkingDrugs.

