

FOREWORD FROM THE CHAIR

Since the Global Commission launched its first report in 2011, a significant shift has taken place in global drug policy, both in terms of public discourse, scientific evidence and policy implementation. An increasing number of national or local authorities are experimenting different ways of regulating the cannabis market, while many more are implementing alternatives to criminalizing those who use drugs. Furthermore, opioid substitution therapy and harm reduction interventions, including needle and syringe exchange programs, supervised injecting facilities and drug testing services, are being scaled up—albeit not enough—as governments recognize the need for a health- and human rights-centered approach. This fundamental shift is hugely welcome. What we are witnessing is drug policy reform in action.

It is, however, time to challenge more fundamentally the way societies view drugs and those who use them. Psychoactive substances have accompanied humanity throughout its whole history. Some, such as alcohol or tobacco, are legally accepted in many regions of the world; others are recognized and prescribed as medicines, while what people refer to as “drugs” in the context of illicit consumption are prohibited by international treaties. The vast majority of people use all these substances in a reasonable way; there are some, however, who are at risk of harming their health and experiencing social and professional difficulties. But illicit drugs confront the users with much higher harms: they have to rely on the criminal market—whose interest is in making them dependent and turning the highest profit—and risk repressive measures. This combination of criminal offer and criminalization is particularly cruel and degrading for people who became addicted to drugs and those who use them to self-medicate physical or mental sufferings. Prohibition makes societies and governments blind to the great variety of reasons why people use drugs either in a controlled or a problematic way. It contributes to the discrimination and marginalization of drug users, considering them as undeserving of understanding and help, when they need treatment and social integration. Furthermore, it justifies criminalizing people who cause no harm to others and punishing those who are suffering. Prohibition also limits scientific research about the possible medical utility of illicit substances, and builds obstacles to the prescription of pain relief and palliative medication.

A punitive approach to drug control fundamentally undermines the relationship between the individual and the State, with so many of its citizens in breach of illogical drug laws. Unfortunately, most governments continue to share the objective, enshrined in the international drug control treaties, of a “drug-free world” or a “world free of drug abuse”. This goal is both naïve and dangerous. Naïve, in that prohibition has had little or no impact on rates of drug use, with the number of consumers increasing by almost 20 percent between 2006 and 2013 to 246 million people; dangerous, in that prohibition fuels mass incarceration and executions in contravention of international law, stokes the spread of blood-borne viruses, drives human rights abuses of those who use and supply drugs, and contributes to the drug-related deaths of nearly 200,000 people annually around the world. National governments must urgently liberate themselves from the constraints of this archaic and punitive framework.

Yet we must define what we mean by decriminalization. Yes, many local and national authorities have adopted alternatives to punishment, abandoning criminal sanctions against people who use drugs and replacing them by administrative



Rowena Camacho, 24, incarcerated for two years on a drug charge, in an overcrowded cell at the Navotas Municipal jail, Manila, Philippines. © Paula Bronstein/Getty Images

consequences like fines, often combined with medical treatment and social measures. Nevertheless, these alternatives do not go far enough. In this report, the Commission calls for the removal of all punitive responses to drug possession and use. There is also a need to go further concerning the non-violent acts of those who are involved in the production and trade of drugs because of their economic and social marginalization. Alternatives to punishment, and the support of neglected communities, are the pathways to liberate both individuals and communities from the grip of organized crime, open new economic perspectives, and respect the rights and dignity of all.

This report builds on those we have published previously. It highlights the damage caused through the criminalization of people who use drugs and explores the alternatives to this approach. It welcomes the moves made towards more rational and humane policies in many countries around the world and shows the necessity to go further in reforming national and international drug control regimes. The Global Commission on Drug Policy is calling not only on governments and the United Nations, but also on the public, to change their perception of drug users and rid themselves of their prejudices. People who use drugs have to be recognized as equal and responsible members of society, in their full rights and dignity.

As long as drugs are considered as evil, and thereby criminalized, they will remain in criminal hands. Because they are potentially harmful they must be regulated by responsible governments, who are in charge of the well-being of their population. Exploring models of regulated production and markets is necessary and these experiences have to be scientifically monitored and the results made available. It is time for States to assume their full responsibility and to remove drugs from the hands of organized crime. It is time to take control.

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EXECUTIVE SUMMARY

Every year, hundreds of millions of people around the world use illicit drugs. Many do so for enjoyment, some to relieve pain, while others use for traditional, cultural or religious reasons. Despite the fact that drug use is both widespread and non-violent, the predominant approach of governments around the world is to criminalize those who use and/or possess drugs. Such policies are enacted with the false hope that, combined with efforts targeting the production and supply of drugs, the drug market and use can be eliminated.

The harms created through implementing punitive drug laws cannot be overstated when it comes to both their severity and scope. On a daily basis, human rights abuses—from the death penalty and extrajudicial killings, to inhuman and coerced drug treatment—are committed around the world in the name of drug control, while strict drug laws have escalated public health crises in the form of HIV and hepatitis C epidemics. Furthermore, in a number of countries drug laws have caused severe prison overcrowding. These extensive damages wrought by a punitive approach to drugs and drug use fundamentally undermine the principle of human dignity and the rule of law, fracturing the relationship between States and their populations.

In order to begin mitigating these widespread harms, governments must as a matter of urgency decriminalize the possession of drugs for personal use. Decriminalization is typically understood as the removal of a criminal record for drug possession for personal use offenses, with the optional imposition of civil penalties such as fines or administrative sanctions, or no penalty at all.¹ Though some governments have already taken this approach, only a small number have implemented policies that have brought about positive outcomes for people who use drugs and society as a whole. What's more, these governments typically rely on penalizing people with civil sanctions. This approach does not go far enough.

The Commission believes that for the principle of human dignity and the rule of law to be firmly upheld, there must be no penalty whatsoever imposed for low-level possession and/or consumption offenses.²

Beyond decriminalizing the possession of drugs for personal use, governments must implement alternatives to punishment for many low-level actors in the drug trade, including those who engage in social supply, drug couriers, and cultivators of illicit crops. Many of these people engage in the trade non-violently and may do so to alleviate their severe socio-economic marginalization. Punishing these groups is unjust and only serves to heighten their vulnerability.

Ultimately, no longer criminalizing people who use drugs and addressing low-level actors with proportionate responses should be considered as a step toward bringing illicit drug markets under control through sensible regulation. Only then can the societal destruction caused by drug prohibition be properly mitigated.

Drug use is, and always has been, a reality in all of our societies. For too long governments have waged a misguided war against the drug market and people who use drugs, handing down sanctions that are disproportionate, unjust and wholly unnecessary. The evidence of just how harmful punitive drug laws are is irrefutable. Governments can no longer ignore the need for a new approach.