



National Drug Strategy 2010-2015 Consultations
MDP 701
GPO Box 9848
Canberra
ACT 2601

Tuesday 30 November 2010

Dear Chair

Thank you for the invitation to Civil Liberties Australia (CLA) to make a submission to the above consultation.

CLA concurs with the overarching approach of the National Drug Strategy of harm minimisation.

CLA also agrees with "pillars" two and three.

We recommend amending "pillar"one, to delete the words in the first part of the sentence, so the aim reads:

"supply reduction to control, manage and/or regulate the availability of drugs"

In support of this proposed amendment, CLA quotes the recommendations of Anand Grover, the UN Special Rapporteur on the Right of Everyone to the Highest Attainable Standard of Physical and Mental Health.

Summary of Rapporteur's report:

The current international system of drug control has focused on creating a drug free world, almost exclusively through use of law enforcement policies and criminal sanctions. Mounting evidence, however, suggests this approach has failed, primarily because it does not acknowledge the realities of drug use and dependence. While drugs may have a pernicious effect on individuals and society, this excessively punitive regime has not achieved its stated public health goals, and has resulted in countless human rights violations.

People who use drugs may be deterred from accessing services owing to the threat of criminal punishment, or may be denied access to health care altogether. Criminalization and excessive law enforcement practices also undermine health promotion initiatives, perpetuate stigma and

increase health risks to which entire populations – not only those who use drugs – may be exposed.

Certain countries incarcerate people who use drugs, impose compulsory treatment on them, or both. The current international drug control regime also unnecessarily limits access to essential medications, which violates the enjoyment of the right to health.

*The primary goal of the international drug control regime, as set forth in the preamble of the Single Convention on Narcotic Drugs (1961) is the “health and welfare of mankind”, but the current approach to controlling drug use and possession works against that aim. Widespread implications of interventions that reduce harms associated with drug use – harm reduction initiatives – and of decriminalization of certain laws governing drug control would improve the health and welfare of people who use drugs and the general population demonstrably. Moreover, the United Nations entities and Member States should adopt a right to health approach to drug control, encourage system-wide coherence and communication, incorporate the use of indicators and guidelines and **consider developing a new legal framework concerning certain illicit drugs**, in order to ensure that the rights of people who use drugs are respected, protected and fulfilled (emphasis added).*

Recommendations

Member States should:

- * Ensure that all harm-reducing measures (as itemized in UNAIDS) and drug-dependence treatment services, particularly opioid substitution therapy, are available to people who use drugs, in particular those among incarcerated populations*
- * **Decriminalize or de-penalize possession and use of drugs** (emphasis added)*
- * Repeal or substantially reform laws and policies inhibiting the delivery of essential health services to drug users, and review law enforcement initiatives around drug control to ensure compliance with human rights obligations*
- * Amend laws, regulations and policies to increase access to controlled essential medicines*

Further evidence of the need for drug reform is articulated by Ethan Nadelmann, the Executive Director of the US Drug Alliance. Nadelmann argues that the war on drugs is a failure, criminalisation and global prohibition doesn't work, and that the challenge is to use alternative approaches based on science, public health and human rights.

Civil Liberties Australia urges the Commonwealth Government to take rational decisions on drug law reform.



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President Civil Liberties Australia