



Promoting fair and
effective criminal justice

**Thematic discussions in preparation for the ministerial segment of the 62nd session of the
United Nations Commission of Narcotic Drugs (CND)
Thematic discussion: Supply and reduction related measures**

**Transcript of intervention by video
22 October 2018**

The impact of supply reduction measures on prisons

Chairperson, distinguished delegates,

Penal Reform International (PRI) welcomes the opportunity to contribute to this thematic discussion.

A dominant supply reduction measure employed has been to criminalise and imprison people for drug-related offences on the erroneous assumption that this will deter people from engaging in illicit drug activities. This has resulted in law enforcement targeting those at the lowest levels of the drug chain, such as couriers, low-level dealers, farmers and people who use drugs. This approach has led to an increase in drug-related violence, corruption, mass incarceration and prison overcrowding, while patterns of drug production, trafficking and consumption have tended to evolve in order to evade law enforcement actions.

Punitive sentencing practices like mandatory sentencing have led to excessive prison levels bringing a multitude of negative impacts on millions of people with criminal justice systems remaining overloaded.

It has been estimated that amongst the approximately 10 million people in prison globally at least one million are there for a drug-related offence, many with lengthy sentences including life imprisonment. This has contributed to what the UNODC have described as a global prison overcrowding crisis. UN data shows that 83 per cent of drug offences are possession offences. Such minor offences are sometimes punished with harsher penalties than even for murder or rape.

This raises concerns in terms of undermining both the notion of proportionality and of fairness of the law. The death penalty for drug offences in particular – applicable in 33 countries' legislation – is an ineffective deterrent and a violation of international law as drug-related offences do not meet the threshold of being the "most serious offence".

The dire consequences of supply demand reduction measures on women should not be forgotten. Punitive drug policies have been identified as one leading cause for the growing population of female prisoners. Such policies fail to take into account the complex and unique pathways that women involved in criminal justice systems, including violence and economic disempowerment.

The use of prison as a default sanction with drug-related offences is ineffective. Research shows that punishment has a limited impact upon reducing illicit drug use, with countries which impose

severe penalties for possession and personal consumption of drugs no more likely to deter drug use in the community than countries imposing less severe sanctions. Economically it makes no sense either.

Alternatives to imprisonment provide more effective and less costly ways to reduce drug-related crime than imprisonment. Non-custodial alternatives also promote the health and social inclusion of low-level drug offenders by addressing some of the root causes of their involvement in the illicit market.

The criminalisation and imprisonment of drug users, coupled with opposition to proven evidence-based harm reduction services has resulted in serious health consequences of people in prison and their communities.

Without adequate education, healthcare or harm reduction for people in prison the transmission of infections such as HIV, hepatitis and TB are all the more prevalent in prison than in the community.

Distinguished delegates, Penal Reform International, recommends the following actions are taken urgently to implement the Outcome Document commitments:

1. Review existing sentencing frameworks for drug offences to ensure proportionality of sentencing which differentiates between personal use and intent to supply via indicative quantity thresholds, as well as an assessment of all evidence available on a case-by-case basis. Ensure that sentences include the consideration of mitigating and aggravating factors, always giving preference to alternatives to imprisonment.
2. Eliminate mandatory minimum penalties and only use pre-trial detention as a last resort and only in cases where the suspect is accused of the most serious offence(s).
3. Abolish the death penalty for drug offences.
4. Address the gender disparities in sentencing policies for drug offences and provide for gender-sensitive non-custodial alternatives taking account of previous victimisation and circumstances, in line with the UN Bangkok Rules.
5. Finally, provide adequate healthcare and harm reduction programmes for drug users in prisons for the prevention, care and treatment of diseases. Ensure gender equality in access to such programmes.

Thank you.