

Care, not custody

Quaker statement to United Nations General Assembly special session on the global drug problem

Quakers have been contributing to the discussions on the issue of drug policy reform in the international context for the last 20 years. The Quaker Council for European Affairs raised it in a Council of Europe seminar on serious crime and human rights in 1996, recommending a radical change in policies about illegal drug use: that the use of such drugs should be treated as a health problem, not a crime problem.

Three Quaker organisations worked with United Nations Office of Drugs and Crime and World Health Organisation, Europe, on the Kiev Declaration (2009) concerning the health needs of women prisoners. The Declaration includes a recommendation that most female drug offenders could be dealt with more effectively by alternatives to imprisonment which specifically targeted the drug problem. This recommendation is included in the Bangkok Rules on the Treatment of Women prisoners.

Quakers' historical experience of imprisonment for their non-conforming religious beliefs, and their understanding that "the inner light of God" is present in all people, have given Quakers a strong concern about the care of people held in custody.

One early expression of this concern was their founding of the world's first modern mental hospital, The Retreat, in England in 1796, and which is still in operation.

The Retreat was the first institution to treat mentally ill people humanely, giving them the loving care they needed to recover rather than chaining, beating and starving them in lunatic asylums.

Today, Quakers consider that drug dependent people need health and social care, not imprisonment. We therefore support the approach advocated by the United Nations Office on Drugs and Crime (UNODC) in their paper "From Coercion to Cohesion". It calls for governments to provide health-based treatment for illegal drug users instead of punitive criminal justice measures.

We believe drugs policy is a human rights issue. We draw attention to the 2015 Study of the United Nations High Commissioner for Human Rights on the impact of the world drug problem on the enjoyment of human rights. In this Study the Special Rapporteur on the right to health pointed out that:

"... drug users in States that criminalize drug use may avoid seeking health care for fear that information regarding their drug use will be shared with authorities, which could result in arrest and imprisonment, or in treatment against their will."

The Special Rapporteur also observed that "criminalizing drug use and possession has led to risky forms of drug use designed to evade criminal prohibitions, which has in turn resulted in increased health risks for drug users."

The Special Rapporteur was positive about the decriminalization experience in Portugal. "In 2001, all drugs for personal use were decriminalized and drug use was characterized as an administrative offence. At the same time, an increased public health and social response was put in place to assist drug users. Portugal has not witnessed a material increase in drug use; in fact, indicators for certain groups show a decrease. Positive effects have included the destigmatization of drug users and the unburdening of the criminal justice system".

We draw particular attention to the very last part of the above paragraph "... and the unburdening of the criminal justice system".

A clear example of the counter-productive impact of using imprisonment to stop drug use can be illustrated in a survey from the Ministry of Justice in England and Wales which showed that "between 7% and 8% of all prisoners in the sample started using heroin whilst in custody."

A health-based, non-punitive approach to drug dependence could lead to a noticeable reduction in the size of the prison population. Such a reduction in prison numbers would enable Government funds to be diverted to providing effective treatment and support in the community. And such treatment and support should be offered on the basis of need and in the spirit of love.

As the UNODC report states "The availability of effective, affordable and humane treatment and care that meets the varied medical and social needs of people with drug use disorders in the community will facilitate the voluntary uptake of treatment and prevent drug-related crime."

We are encouraged that States throughout the world are starting to move towards a health-based approach to illegal drug use. We earnestly hope that this approach will be strongly recommended this year as an outcome of the United Nations General Assembly Special Session on the global drug problem.

Reference

1 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London:

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