

Ad Hoc US Coalition for Global Drug Policy Reform

We, the undersigned US and international non-governmental organizations that work on drug policy issues in the United States, and supporting organizations from other countries, call for a significant shift in global drug policy in line with international human rights standards, and that prioritizes health, including access to medicines, security, and development.

Existing US and global drug control policies that heavily emphasize criminalization of drug use, possession, production and distribution are inconsistent with international human rights standards and have contributed to serious human rights violations. The criminalization of personal drug use and possession for personal use infringes on the right to privacy and basic principles of autonomy on which other rights rest.

Criminalization of the drug trade has dramatically enhanced the profitability of illicit drug markets, fueling the operations of groups that commit abuses, corrupt authorities, and undermine democracy and the rule of law in many parts of the world. And both in the US and internationally, enforcement of drug laws has often involved large-scale abuses and discriminatory practices, including disproportionately harsh sentences for drug offenses in the US (which have a disparate impact on African Americans than on whites), the use of the death penalty for drug offenses in several countries, and extrajudicial executions and enforced disappearances in others. Existing drug policies have also caused other injuries to the public's well-being, such as the proliferation of infectious diseases and the suppression of essential and promising medicines.

Concerned that drug prohibition may be incompatible, in practice if not in principle, with principles of human rights or public health, some countries – or jurisdictions within them – have begun to pursue policies that depart from that model and to seek alternative means for addressing the health and human safety concerns associated with drug use.

Following votes in several states within the United States to legalize or otherwise regulate cannabis for non-medical use, the US State Department – as part of a "Four Pillars" approach enunciated by Ambassador William Brownfield – has called for flexibility and tolerance for countries to pursue innovative drug policies, including legal regulation.¹ Considering the serious human rights and health harms drug policy approaches focused on criminalization have caused in the past decades, we believe that experimenting with new, less harmful approaches, to drug policy is essential.

Accommodating some of these experiments, including with legalization and regulation of internationally controlled substances, may require that the UN drug conventions are interpreted in light of countries' international human rights and other obligations. We believe that in case of irreconcilable conflict, human rights principles, which lie at the core of the United Nations

¹ William R. Brownfield, Trends in Global Drug Policy (US State Department 2014) (speech at UN Foreign Press Center, UN Plaza, New York), <http://fpc.state.gov/232813.htm>.

charter, should take priority over provisions of the drug conventions. UN Member States should initiate a process of reforming and modernization of the drug conventions.

We also support the US Department of Justice's guidance of August 2013, in which it specified conditions under which it would accommodate state-based systems of legal regulation for cannabis, despite the continuing federal prohibition of cannabis.² As then Deputy Attorney General James Cole laid out in testimony for the Senate Judiciary Committee, this approach represents the government's most realistic strategy for pursuing federal priorities (which are also treaty priorities), in light of the small percentage of law enforcement agents in the US who are employed by the federal government, and the constitutional restraints which prevent Congress from forcing states to enforce federal laws. Among the priorities listed in the guidance are preventing violence and preventing revenue from the sale of marijuana from going to criminal organizations.

To address the injustices and the harms that are currently associated with drug policy in much of the world, we call for an open dialogue on these matters, and for action on them, at the April 2016 UN General Assembly Special Session on Drugs (UNGASS) and during upcoming sessions of the Commission on Narcotic Drugs and related proceedings, including the convening of a Committee of Experts to review the issue of treaty reform. Additionally, we call for substantive efforts to address the human rights abuses and other social problems resulting from many jurisdictions' current drug policies, including but not limited to the following measures:

- Essential medicines that contain or are made of controlled substances, the availability of which is currently limited in much of the world, including opioids for pain management, should be made available and accessible to all patients with a legitimate medical need. The United Nations should work with its member states to address the regulatory, legal and educational obstacles that have caused this scarcity and the resulting needless suffering.
- Governments should ensure that drug control measures do not interfere with medical and scientific research involving controlled substances, as is currently the case in the United States with substances included in "Schedule I."
- Given the growing body of evidence for the effectiveness of medical cannabis in treating certain medical conditions, states should review and, where necessary, amend regulations or adjust scheduling in order to improve medical access and facilitate research into medical uses.
- Governments should repeal laws that criminalize personal use and possession *per se* of drugs having regard to their legal obligations under international human rights standards. Governments can criminalize negligent or dangerous behavior, such as driving under the influence, to regulate harmful conduct by individuals who use drugs, without criminalizing drug use itself. Governments should also address the policies and other

² James M. Cole, Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement (Office of the Deputy Attorney General 2013), <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.

factors that have driven disproportionate sentencing, over-incarceration and discriminatory policing.

- The United Nations and its member states should take steps to reduce the costs of current policies toward drug production and distribution, including overhauling policies such as aerial fumigation of drug crops, that may carry unnecessary risks to health and the environment; exploring alternatives to current approaches that emphasize the use of criminal law enforcement to regulate the drug trade; and where appropriate, by adopting new legal and regulatory frameworks and adjusting enforcement practices.
- The United Nations should work with its member states to end the human rights abuses occurring in drug enforcement, giving immediate priority to ending the death penalty for drug offenses.
- The United Nations and its member states should adopt drug policy evaluation metrics that focus on health, security, development, access to medicine, and human rights, rather than simple or derivative measures like use rates or quantities of drugs seized by authorities – and work to reallocate their budgets based on the evidence that such metrics reflect, for example by shifting some drug enforcement expenditures into public health programs or to other areas of law enforcement.
- The United Nations should endorse the concept of harm reduction, including but not limited to needle exchange programs, safe injection sites, medication assisted treatment (including opioid substitution or maintenance programs), and non-prosecution policies for persons seeking help for overdoses.

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Global NGOs

Human Rights Watch
Law Enforcement Against Prohibition
Nonviolent Radical Party transnational and transparty
Students for Sensible Drug Policy

US NGOs

American Civil Liberties Union
A New PATH (Parents for Addiction Treatment & Healing)
Berkeley Patients Group (CA)
BOOM!Health (NY)
Chicago Recovery Alliance
Cincinnati Exchange Project (OH)
Citizens Opposing Prohibition
Coalition for Cannabis Standards & Ethics (WA)
Common Sense for Drug Policy
Denver Relief Consulting (CO)
DC Cannabis Campaign
Dr. Bronner's Magic Soaps

Drug Policy Alliance
Drug Policy Forum of Hawaii
Drug Policy Forum of Texas
Drug Truth Network
Empire State NORML (NY)
Family Law & Cannabis Alliance (MA)
4Front Advisors
Greenbridge Corporate Counsel (CA, WA)
Harborside Health Center (CA)
Harm Reduction Action Center (CO)
Harm Reduction Coalition
Housing Works
Human Rights and the Drug War
iComply Cannabis
Institute for Policy Studies Drug Policy Project
Intercambios Puerto Rico
Legal Services for Prisoners with Children (CA)
Marijuana Policy Project
Moms United to End the War on Drugs
National Organization for the Reform of Marijuana Laws
New York Harm Reduction Educators (NYHRE)
Northwest Patient Resource Center (WA)
Project Inform
Protect Families First (RI)
St. Ann's Corner of Harm Reduction (NY)
Sensible Colorado
StoptheDrugWar.org
The ArcView Group
The CHOW Project (HI)
The Libra Foundation
Veterans for Compassionate Care LLC (WA)
Veterans for Medical Cannabis Access
Virginians Against Drug Violence

Other National NGOs

Canadian Drug Policy Coalition
Canadian Students for Sensible Drug Policy
Hands Off Cain (Italy)
Luca Coscioni Association for Freedom of Scientific Research (Italy)

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This statement is coordinated by StoptheDrugWar.org on behalf of the Ad Hoc US Coalition for Global Drug Policy Reform. For information or to endorse, please contact David Borden at borden@drcnet.org, +1 202-236-8620, fax +1 202-293-8344, P.O. Box 9853, Washington, DC 20016.