



## REPÚBLICA DE MOÇAMBIQUE

### CENTRAL OFFICE OF PREVENTION AND COMBAT DRUGS

#### Stage of the Law Review Process 3/97 of 13 March

Thank you, Mister Chairman, for the opportunity to address the Ministerial Segment.

Mozambique government is committed to address the illicit drug trafficking problem in our country, which is a manifestation of transnational organized crime, as well as to ensure that citizens (adolescents and young people) are not plagued by problematic drug use.

The Mozambican government, through the National Assembly, approved Law No. 3/97 on March 13 1997, a legal instrument that defines and establishes the legal framework to addressing the illicit production, trafficking and consumption of narcotic drugs, psychotropic substances, precursors and other substances with similar effects.

To practice this law, Mozambique government created the Central Office for Prevention and Combating of Drugs (GCPCD). GCPCD is an institution accountable to the Council of Ministers, of national scope, created under article 26 of Law 3/97.

#### **Objectives of the GCPCD**

Article 27 of the aforementioned legal instrument provides:

1. The general objective of the GCPCD is to centralize information that may facilitate the investigation of illicit trafficking of narcotic drugs, psychotropic substances or precursors; to coordinate the planning of actions to repress trafficking, to collaborate with competent authorities of investigation and prosecution and to cooperate with the corresponding services of other countries.
2. It is also incumbent upon the GCPCD to participate in the formulation of policies and strategies aimed at repression of the illicit production,

trafficking and consumption of narcotic drugs, psychotropic substances or precursors.

### **Reasons for the process of revision of Law 3/97 of 13 March**

It has been more than twenty years since the approval of the aforementioned law, which is outdated and disconnected to the socio-political and economic context of our country. The need to review some of its precepts is unquestionable. We need an update drug policy that are relevant to our current context and can be effective in reducing the trafficking and consumption of illicit drugs.

This exercise intended to clarify certain aspects. It aimed to remove provisions that are in conflict with the Constitution of the Republic of Mozambique, the Policy and Strategy for Prevention and Combating the Drug problems, which was approved by the Council of Ministers on 4 April 2003 and the National Strategy on Illegal Drugs and Other Psychoactive Substances which was approved by the Council of Ministers on April 8 2014.

In this process of reviewing and revising our drug policy, various organisations, including central institutions directly responsible for drug prevention and control - Ministry of Health and GCPCD, and Provincial Offices for Prevention and Control of Drugs, civil society organisations, including community-based organisations, religious institutions, community leaders, international organizations dealing with drug trafficking and consumption related issues, among others, contributed to a new draft law that is appropriate to the current situation.

In the light of the review of the aforementioned Law No. 3/97, the following key aspects were taken into account, which I would like to highlight today.

### **Constitution of the Republic of Mozambique**

Mozambique, being a Democratic State of Law, where the rule of law prevails, is guided by strict respect for legality, where all citizens' rights must have legal protection guaranteed by their Government.

With emphasis on the satisfaction of citizens' rights, taking into account the role of the State as guarantor of social justice, always taking into account respect for human rights and fundamental guarantees.

As a result, we all need to work together to ensure that due respect is given to the general principles of the Mozambican legal system, which emanate

from constitutional rules, especially the need to respect the principle of equality of all citizens below the law.

The principle of equality, as set forth in our Constitution, (which implies that everyone, without exception, must respect the rule of non-discrimination, non-stigmatization and fair treatment of all citizens of our country), as a nuclear element.

### **Drug Prevention and Control Policy and Strategy**

The Policy and Strategy for Drug Prevention and Combating embodies a structured set of policy options, and is assumed to have been designed from the clear statement of principles and the safe definition of objectives, as well as from the precise establishment of strategic options that will long term.

In this instrument of great importance, they outline structuring principles that guide the prevention of drug use, control and fight against drug trafficking, from which the humanist principle is highlighted.

This translates into the recognition of the human dignity of people who use drugs, whose corollary in short, is the understanding of complexity and importance of the individual, family and social history of the drug user, as well as the assumption of State responsibility for the constitutional right of drug users to health and for combating social exclusion.

Meeting the needs of people who use drugs (with drug use being decriminalized), bearing in mind that it is cheaper, more effective and more humane to decriminalize than to adopt repressive interventions.

The guiding principle from the UNGASS 2016 outcome document, and the African Union Plan of Action on drugs, emphasize the importance of access to appropriate treatment and stresses the need to adopt Harm Reduction policies that may raise in people who use drug an awareness of their own dignity, a means of access to treatment and social reintegration with the minimum of quality.

In this context, it is emphasized that pragmatism objectively refers to the promotion of actions that minimize the negative consequences of drug use and safeguard social reintegration; reducing the risk of avoidable infectious diseases;

In addition, the principle of pragmatism also penetrates the subjects of Harm Reduction and therapeutic administration of substances prescribed for detoxification.

In this sense, one can infer that if we realistically assess the financial, political and social costs of adopting a prohibitionist stance (blindly advocating the criminalization of drug use); this conservative perspective, could easily lead us to slip into unbridled persecution and violence, seriously compromising the human rights principles.

In this view, it is concluded that greater gains will be made by investing in public health approach by embracing supportive, instead of repressive to people who use heroin and other psychoactive substances.

### **National Strategy on Illegal Drugs and Other Psychoactive Substances**

The National Strategy on Illicit Drugs and Other Psychoactive Substances - ENSDIOSP, approved by the Mozambican Government to be effective during the period 2014-2023, in strategic areas 3, 4 and 5, emphasizes in detail an approach that favours the abovementioned principles of legality, equality and pragmatism.

In this context, we stress that it is urgent that we work hard so that with our simple contribution, we abandon the archaic perspective in our country and develop a proper and modern law to deal with the drug problem.

Given the complexity of the work that must be done to develop a new law on drugs more adjusted to the current socioeconomic reality of our country (and even in harmony with the modern perspective), the GCPCD prepared the draft of the proposal to revise Law no. 3/97, in which several articles were proposed to be amended.

Therefore, because we think it is a fair position, balanced according to our country's Constitutional principles, we assume that the consumption of illicit drugs must be decriminalized.

The Mozambican government welcome the common position of the In advance, may Your Excellences accept our expression of sublime recognition for your attention.

Nadir Izidine.

Vienna, March 15, 2019