

Resolution 55/12

Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

The Commission on Narcotic Drugs,

Recalling that the world drug problem remains a common and shared responsibility that requires effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing and balanced approach to drug supply and demand reduction strategies,

Reaffirming the Political Declaration adopted by the General Assembly at its twentieth special session,¹ the Declaration on the Guiding Principles of Drug Demand Reduction,² the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction³ and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,⁴

Recalling that the international drug control conventions establish, to varying degrees and in specific situations, that States may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that drug-using offenders should undergo measures of treatment, education, aftercare, rehabilitation or social reintegration,⁵

Recognizing that drug users who repeatedly commit criminal offences pose challenges and create costs for Member States, society and families through their need for effective supervision through imprisonment or other means, as appropriate,

Recalling General Assembly resolution 66/183 of 19 December 2011, on international cooperation against the world drug problem, in which the Assembly reiterated the commitment of Member States to promoting, developing, reviewing or strengthening effective, comprehensive and integrated drug demand reduction programmes, based on scientific evidence and covering a range of measures, including primary prevention, education, early detection and intervention, treatment, care and related support services, recovery support, rehabilitation and social reintegration efforts, aimed at promoting health and social well-being among individuals, families

¹ General Assembly resolution S-20/2, annex.

² General Assembly resolution S-20/3, annex.

³ General Assembly resolution 54/132, annex.

⁴ See *Official Records of the Economic and Social Council, 2009, Supplement No. 8 (E/2009/28)*, chap. I, sect. C.

⁵ Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol (United Nations, *Treaty Series*, vol. 976, No. 14152), art. 36, para. 1 (b); Convention on Psychotropic Substances of 1971 (United Nations, *Treaty Series*, vol. 1019, No. 14956), art. 22, para. 1 (b); United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (United Nations, *Treaty Series*, vol. 1582, No. 27627), art. 3, paras. 4 (b) and (c).

and communities and reducing the adverse consequences of drug abuse for individuals and society as a whole,

Recalling also the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, and endorsed by the General Assembly in its resolution 65/230 of 21 December 2010, in which Member States stressed the need to reinforce alternatives to imprisonment, which may include community service, restorative justice and electronic monitoring, and support rehabilitation and reintegration programmes, including those to correct offending behaviour, and educational and vocational programmes for prisoners,

Noting that, in addressing the world drug problem, the main objective is to ensure the health and welfare of individuals, and that providing alternatives to imprisonment has, for some Member States, provided a successful means of promoting social reintegration with full respect for human rights,

Taking note of the efforts of Member States to create new tools in support of comprehensive demand reduction policies, including but not restricted to alternatives to prosecution and imprisonment for drug-using offenders, including treatment, as appropriate,

Taking note also of the various systems used in Member States to provide treatment for drug dependence, including systems that offer such treatment as a matter of right in any setting, and systems that offer such treatment as an alternative to, or in addition to, imprisonment,

Recalling that, in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, it is noted that there are limited alternatives to prosecution and imprisonment for drug-using offenders and that treatment services within the criminal justice system are frequently inadequate,

Taking note that some Member States have adopted measures as alternatives to prosecution and imprisonment for drug-using offenders, and that such measures have included, among other things, specific legal procedures, community service and drug-use monitoring with consequences for non-compliance, and noting that such measures have been shown to reduce recidivism rates, facilitate rehabilitation and, at the same time, conserve human and financial resources, rebuild families and help to reconstitute the social fabric,

Stressing the importance of strengthening cooperation among competent authorities with a view to reinforcing treatment programmes, and emphasizing in that regard the potential benefits of coordination between the health and justice sectors in order to reduce drug abuse,

Acknowledging that for some Member States the application of alternative measures to prosecution and imprisonment of drug-using

offenders is not provided for in national legislation and so is not applicable,

Bearing in mind the importance of maintaining the integrity of applicable national legislation, in particular criminal law,

1. *Encourages* Member States, working within their legal frameworks and in compliance with applicable international law, to consider allowing the full implementation of drug-dependence treatment and care options for offenders, in particular, when appropriate, providing treatment as an alternative to incarceration, in order to help strengthen drug demand reduction policies while promoting both public health and public safety;

2. *Invites* Member States that have successful experiences regarding the implementation of evidence-based alternative approaches to the prosecution and imprisonment of drug-using offenders to share their experiences and good practices, including examples of legislation, and to provide technical assistance to interested States, upon request;

3. *Encourages* Member States to promote coordination and cooperation between competent authorities, such as health, public security and justice authorities, as well as service providers, with a view to identifying and developing cost-effective, evidence-based approaches, including but not restricted to exploring or implementing, where appropriate and in accordance with national legislation, alternatives to prosecution and imprisonment for drug-using offenders;

4. *Invites* Member States to consider including in their national anti-drug strategies alternative approaches to prosecution and imprisonment for drug-using offenders that could act as a valuable link between demand reduction programmes, particularly those relating to treatment, and the areas of law enforcement and justice;

5. *Requests* the United Nations Office on Drugs and Crime to provide Member States, upon request, with guidance, tools and assistance in developing evidence-based alternative approaches to prosecution and imprisonment for drug-using offenders;

6. *Also requests* the United Nations Office on Drugs and Crime to make information on alternative approaches to prosecution and imprisonment for drug-using offenders, including research results of promising initiatives for public health and public safety, available to Member States, international organizations and donors;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission at its fifty-sixth session on the measures taken and on the progress achieved in the implementation of the present resolution.

*9th Plenary Meeting
16 March 2012*