

H.E. Lieutenant General Ko Ko
Union Minister for Home Affairs
Ministry of Home Affairs

Ref: MOHA/108-15
Date: 5 March 2015

Your Excellency,

We would like to take this opportunity to thank Your Excellency for the very productive and successful national legal review workshop on amending the '1993 Narcotic Drugs and Psychotropic Substances Law', which took place in Nay Pyi Taw from 16 to 19 of February, 2015.

The Ministry of Home Affairs has shown outstanding leadership through organizing this open, transparent and wide-ranging consultation with different government sectors, key partners and civil society. UNODC and UNAIDS were pleased to be able to support and be part of this process. We welcome the amendments, which stress the importance of a public health and rights-based approaches to respond to drug use and HIV, in line with international commitments and frameworks, such as the inclusion of the harm reduction approach in the law.

We appreciate the removal of a number of prohibitive aspects from the draft Law, including the removal of compulsory registration for drug users, in keeping with the recommendations of the Global Commission on HIV and Law; the switching from punitive to drug treatment approach and the reduction of penalties for small offenders.

We welcome the fact that the key amendments were negotiated across the groups and those robust debates and international technical inputs were valued in the process. We also welcome that the time of the consultation was extended for half a day to enable further discussions.

The spirit of consensus between the main groups is reflected in the draft law that was presented by the Central Committee for Drug Abuse Control on the final day of the workshop.

Appreciating the leadership of Ministry of Home Affairs, to amend the 1993 Narcotic Law, we would like to place before you the following suggestions for your consideration.

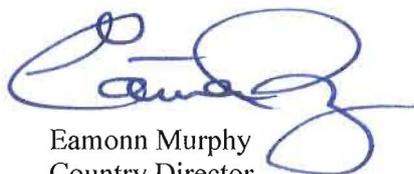
1. In the draft presented by the Ministry of Home Affairs at the beginning of the consultation meeting, we noted with appreciation the inclusion of the WHO/UNODC/UNAIDS *Comprehensive Package of interventions for the prevention, treatment and care of HIV among*

people who inject drugs in the Rules relating to the Narcotic Drugs and Psychotropic Substance Law. The comprehensive package is already included in official documents in Myanmar such as Ministry of Health, *National Guidelines: A Core Package for HIV Prevention Amongst Key Populations*. In addition to the nine interventions described in the Comprehensive Package, access to naloxone has been added by WHO for emergency management of suspected opioid overdose. This is also included in the Myanmar *National Guidelines* mentioned above. We kindly request that the Ministry of Home Affairs re-insert this comprehensive package (inclusive of overdose management) in the rules of the law as it would significantly strengthen the application of the law by stating clearly the elements of harm reduction in the bylaws.

2. We welcome the opportunity of further informal discussions between UNODC, UNAIDS and senior officials from Ministry of Home Affairs/CCDAC around section 16 of the law.
3. Section 20 of the Law continues to provide the death penalty as a possible sentence for drug crimes. This is contrary to the international conventions on Human Rights. As you are aware, the United Nations is advocating all countries to remove this penalty. In recent times, 140 countries have removed death penalty from their statutes/laws. We understand that Myanmar does not use this sanction. The removal of the death penalty for drugs offences would be a strong symbol of the Government of the Union of Myanmar's progress towards Reforms and a rights-based approach in its legislation.

Again we congratulate the honourable Minister for your leadership in reforming the 1993 'Narcotic Drugs and Psychotropic Substances Law' and are keen to support any additional process to finalize this law and to support its dissemination and its roll out and implementation.

Please accept, Excellency, the assurances of our highest consideration,



Eamonn Murphy
Country Director
UNAIDS Myanmar



Jochen Wiese
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CC: Chief of Police, Myanmar Police Force, Ministry of Home Affairs

Joint Secretary, CCDAC, Ministry of Home Affairs