



TAKING STOCK: A DECADE OF DRUG POLICY

A CIVIL SOCIETY SHADOW REPORT - EXECUTIVE SUMMARY



Executive Summary

Objective of the Shadow Report

'Taking stock: A decade of drug policy' evaluates the impacts of drug policies implemented across the world over the past decade, using data from the United Nations (UN), complemented with peer-reviewed academic research and grey literature reports from civil society. The important role of civil society in the design, implementation, monitoring and evaluation of global drug policies is recognised in the 2009 Political Declaration and Plan of Action on drugs, as well as in the Outcome Document of the 2016 United Nations General Assembly Special Session (UNGASS) on drugs. It is in this spirit that the International Drug Policy Consortium (IDPC) has produced this Shadow Report, to contribute constructively to high-level discussions on the next decade in global drug policy.

Background

In 2009, the international community agreed on a 10-year global drug strategy with the adoption of the 'Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem'. Article 36 of the Political Declaration established 2019 'as a target date for states to eliminate or reduce significantly and measurably' the illicit cultivation, production, trafficking and use of internationally controlled substances, the diversion of precursors, and money-laundering.

As this target date is fast approaching, member states have agreed to hold a two-day Ministerial Segment at the 62nd Session of the Commission on Narcotic Drugs (CND) to take stock of progress made and delineate the global drug strategy for the next decade. Both the mid-term review of the 2009 Political Declaration in 2014 and the 2016 UNGASS were missed opportunities for an honest and objective review of the successes and failures of global drug policies since 2009. Only a few months away from the 2019 high-level event, no comprehensive review of the impacts of drug policies worldwide has yet been undertaken. This Civil Society Shadow Report seeks to fill this gap, firstly by assessing the progress made, or lack thereof, against the objectives set in the 2009 Political Declaration and Plan of Action. Secondly, the Report considers whether global drug policy has contributed to, or undermined, the broader priorities of the UN of protecting human rights, advancing peace and security, and promoting development.

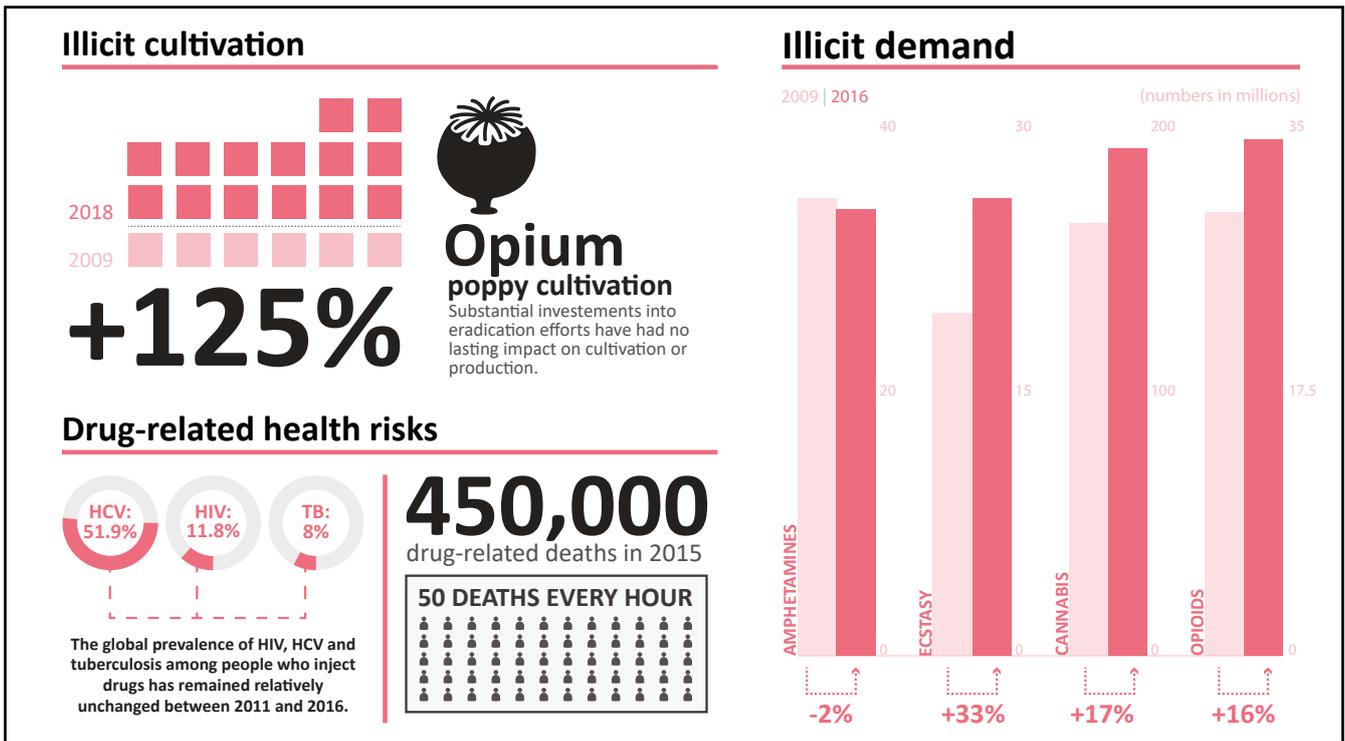
Key conclusions

- Data from the Shadow Report show that the targets and commitments made in the 2009 Political Declaration and Plan of Action have not been achieved, and in many cases have resulted in counter-productive policies.
- The Shadow Report highlights the urgent need to conduct more comprehensive and balanced research and evaluations on the impacts of drug policies worldwide, taking into account government data, but also academic research and civil society findings.
- The Shadow Report concludes that member states should identify more meaningful drug policy goals and targets in line with the 2030 Agenda for Sustainable Development, the UNGASS Outcome Document and international human rights commitments.

Evaluating progress made against the targets included in Article 36 of the 2009 Political Declaration

Target 1: Eliminate or reduce significantly and measurably 'the illicit cultivation of opium poppy, coca bush and cannabis plant'. Data from the United Nations Office on Drugs and Crime (UNODC) shows no reduction in the global scale of cultivation of opium, coca and cannabis between 2009 and 2018. Over this period, cultivation has in fact increased by 125% for opium poppy and by 30% for coca bush. As for cannabis, although recent global estimates are unavailable, the UNODC concluded that cultivation was reported in 145 countries in the period 2010-2016, with no sign of reduction.

Target 2: Eliminate or reduce significantly and measurably 'the illicit demand for narcotic drugs and psychotropic substances; and drug related health and social risks'. The overall number of people aged 15 to 64 who used drugs at least once in 2016 is estimated at 275 million, representing a 31% increase since 2009. The main drug of choice remains cannabis, followed by opioids and amphetamines. The UNODC estimates that the global HIV prevalence among people who inject drugs has remained stable at 11.8%, as has the global prevalence of hepatitis C at 51.9% and tuberculosis at



8%. Meanwhile, the number of drug-related deaths reached 450,000 in 2015, with a third to half of those related to overdoses, and the rest associated with HIV and hepatitis C.

Target 3: Eliminate or reduce significantly and measurably ‘the illicit production, manufacture, marketing and distribution of, and trafficking in, psychotropic substances, including synthetic drugs’. Available UN data shows ongoing production and use of methamphetamines across the world with an expanding market in North and West Africa, North America, East and South East Asia and Oceania. In parallel, between 2009 and 2017, over 800 new psychoactive substances (NPS) have emerged on the global drug market, while the UN-ODC states that the illegal use of prescription drugs has reached record levels in various parts of the world, especially North America.

Target 4: Eliminate or reduce significantly and measurably ‘the diversion of and illicit trafficking in precursors’. Despite efforts made by member states to control and monitor precursor chemicals, over the past five years the International Narcotics Control Board (INCB) has reported an increase in the use and number of precursors in illegal drug production. Furthermore, although seizures of precursor chemicals like potassium permanganate (used in the manufacture of cocaine) increased from 92,702 kg in 2012 to 585,072 kg in 2016, global cocaine production has risen by 44% since 2009.

Target 5: Eliminate or reduce significantly and measurably ‘money-laundering related to illicit

drugs’. Although tighter national, regional and global policies and regulations have been adopted to counter money-laundering, the amount of money laundered globally each year amounts to US\$ 800 billion to 2 trillion, representing 2 to 5% of global GDP – with a quarter of overall revenues of transnational organised crime proceeding from drug sales. The global drug market is currently estimated to turnover between US\$ 426 and 652 billion. Of this, well over half of the gross profits generated are channelled into money-laundering, and less than 1% of the total amount of money being laundered is seized.

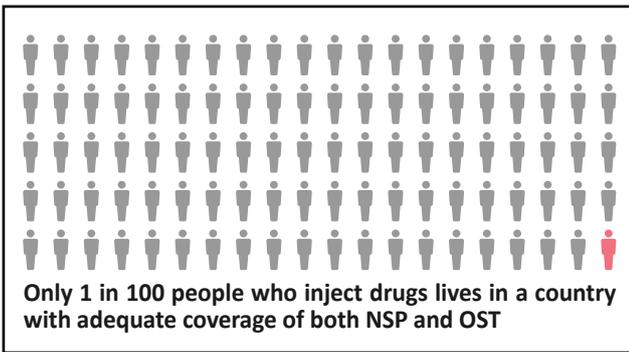
Assessing progress made towards the 2009 Plan of Action against the broader priorities of the United Nations

This section of the Shadow Report assesses progress made towards selected actions of the 2009 Political Declaration and Plan of Action. Progress is evaluated against the broader UN priorities of protecting human rights, promoting peace and security, and advancing development.

Protecting human rights

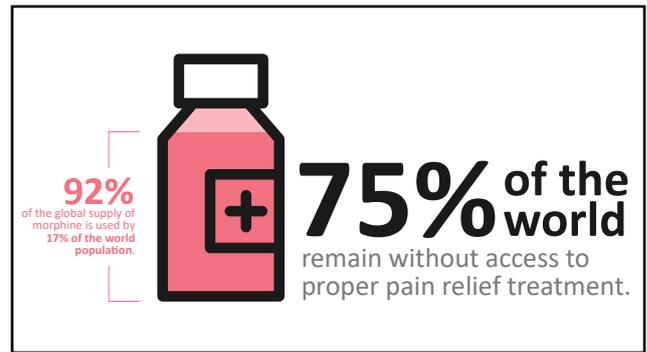
Over the past decade, overly punitive drug policies focusing on eradicating the illegal drug market have been associated with wide-ranging human rights violations and threats to public health and order. These abuses have had dire implications on the lives of marginalised people and communities worldwide.

The right to life: At least 3,940 people were executed for a drug offence over the past decade,



with 33 jurisdictions worldwide retaining the death penalty for drug crimes. Since 2009, various countries, including India, Iran, Malaysia, Palestine and Thailand, have taken steps to reduce or eliminate the use of capital punishment for drug offences, while others are considering reinstating the practice with bills in progress in Bangladesh, the Philippines and Sri Lanka. The recent escalation of punitive drug policies in South and South East Asia has resulted in the extrajudicial killings of over 27,000 people under Rodrigo Duterte's Presidency of the Philippines since June 2016.

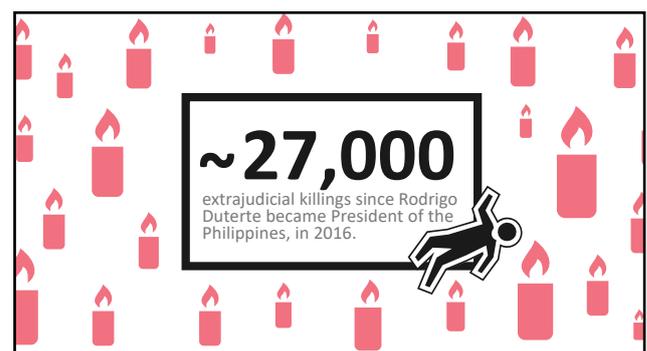
The right to health: Despite increases in the number of countries providing various harm reduction interventions, only 1% of people who inject drugs worldwide live in countries with adequate coverage of both needle and syringe programmes (NSPs) and opioid substitution therapy (OST). Access to harm reduction is even more limited in prisons and other places of detention, resulting in the prevalence of HIV, hepatitis B and tuberculosis among people in prison being two to ten times higher than among the general population. The surge in overdose deaths – in particular in the United States where over 71,000 people died of an overdose in 2017 alone – is also a major issue of concern. While the federal response in the United States has overwhelmingly been law enforcement focused, Canada – which has also been affected by a surge in overdose deaths – has adopted a number of public health measures, including the opening of 25 new drug consumption rooms since 2016. The criminalisation and stigmatisation



of people who use drugs has been identified by a number of UN agencies as a major barrier to accessing service provision. At national level, 26 countries have adopted a decriminalisation model to facilitate access to health services and reduce stigma and prison overcrowding.

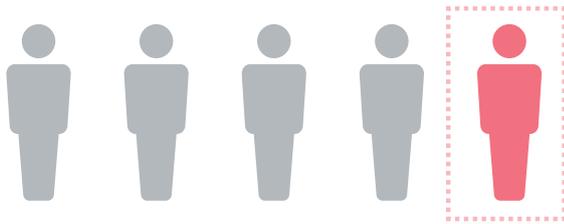
Meanwhile, 75% of the world population, concentrated in the Global South, remain without access to essential medications for pain relief, while 92% of morphine is being used by just 17% of the world population. Overall reforms remain inadequate to address this issue. However, countries such as Costa Rica, India, Mexico, Uganda and Ukraine have recently taken various steps to improve access to morphine for palliative care and pain relief, and 48 countries have now established medicinal cannabis systems for a number of ailments.

Criminal justice rights and right to be free from torture: The Shadow Report also sheds light on the human rights associated with incarceration and disproportionate punishments. According to UN data, one in five prisoners worldwide is incarcerated for drug offences, the overwhelming majority of whom for drug possession for personal use. In certain regions, this proportion is even greater for women, as is the case in various Latin American countries, and in Thailand where over 80% of the 47,000 women in prison are incarcerated for a drug offence. In several countries, drug offenders also continue to be victims of excessive punishments, sometimes including acts of torture or other cruel, inhuman or degrading treatment. This includes forced urine



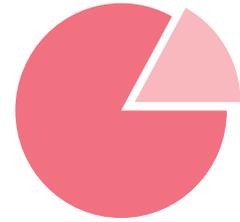
1 in 5

prisoners worldwide are incarcerated for drug offences



In some parts of the world, **over 80% of women** incarcerated are serving sentences for drug-related offences.

~83%
serve sentences for drug possession for personal use



testing, compulsory registration requirements, incarceration in compulsory detention centres and corporal punishment, including on children. At the same time, tens of thousands of people have recently been arbitrarily arrested in Cambodia and Bangladesh for suspected involvement in illicit drug activities. Although discussions have been held at regional and international levels on these issues, on the ground little progress has been made to remedy these human rights abuses.

Promoting peace and security

Instead of reducing the overall scale of the illegal drug market, overly punitive drug policies have often exacerbated violence, instability and corruption. In the case of opium, while cultivation fell in South and South East Asia over the past decade, it has increased significantly in Afghanistan which now produces 86% of the world's opium. Academic research concluded that forced eradication campaigns had led to increased levels of crime, an ongoing Taliban insurgency and militias remaining active in the region, with severe consequences for subsistence farmers. Similarly, despite forced crop eradication campaigns in Colombia, coca cultivation increased by 115% between 2009 and 2016. Interdiction efforts in the country have resulted in violent clashes between affected communities and the police and the military, forcing millions of people to be internally displaced. In Mexico, a militarised war on drug cartels launched in 2006 resulted in over 150,000 deaths associated with the drug trade and more than 32,000 disappearances. In West Africa, several

countries are now considered as drug trafficking hubs, with the collusion between high-level officials and traffickers constituting a major threat to security, governance and development.

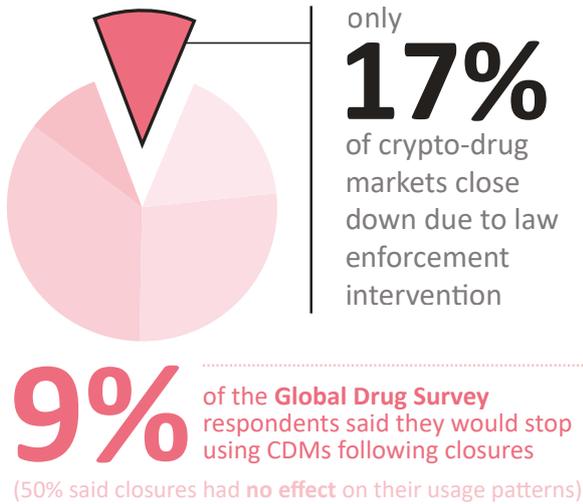
Posing an additional layer of complexity, the development of crypto-drug markets has forced policy makers to adapt their law enforcement strategies. However, available data show that only 17% of crypto-drug markets were closed down as a result of drug law enforcement interventions; the rest having been shut down because of exit scams, voluntary closure or hacking. Further studies concluded that only a small minority of those purchasing drugs in crypto-drug markets stopped using these markets because of drug law enforcement action – putting into question the efficacy of current drug control efforts. Nevertheless, the rise in the use of online drug markets has led to interesting developments in the field of health and harm reduction. For instance, online forums within crypto-drug markets have facilitated peer-based reviews and feedback on drug purchases, sellers, purity and effects of products bought online, enabling people who use drugs to reduce health harms, and facilitating discussions on the availability of drug support services.

Advancing development

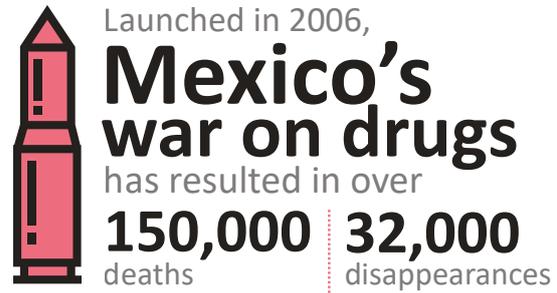
Tracking progress towards development – and the Sustainable Development Goals (SDGs) – constitutes the third key analytical research area of this Shadow Report. Evidence collected for the Report shows that drug control efforts have mainly

Assessing progress on Peace and security

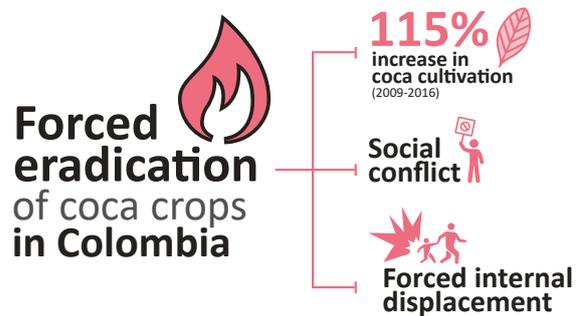
Crypto-drug markets



War on drugs and violence



Eradication and social conflict



consisted of eradication measures, with little attention given to the critical development issues faced by affected communities in rural and urban contexts.

Although alternative development has gained much visibility in UN forums and discussions over the past decade, such programmes have generally been used to justify crop eradication campaigns, rather than focusing on creating the conditions that improve people's livelihoods and reduce their dependence on illegal crop cultivation. The use of harmful pesticides to destroy drug crops has impacted upon the health of local communities and damaged the environment by displacing subsistence farmers into new, more remote areas, including national parks and indigenous territories. In Colombia, 32% of coca is cultivated in national parks and indigenous reserves. In recognition of concerns over human and environmental harms associated with harmful pesticides, Bolivia, Ecuador, Peru and Thailand have banned the use of these chemical agents.

While alternative development programmes have mostly been counter-productive, two country examples stand out as more positive models. Since the 1960s, Thailand has adopted a long-term development strategy in areas where illegal opium cultivation was concentrated. This approach has led

to reductions in poverty levels through increased access to education, employment, basic health and social services and infrastructure. On the other side of the world, since 2008 Bolivia has allowed farmers to grow a sufficient amount of coca for subsistence purposes, facilitating access to a national legal market for coca products, as well as improving access to safe water, education and other sources of income. Both the Thai and Bolivian models rely on strong community participation.

As in areas of illicit crop cultivation, poverty has now been recognised as a main driver of engagement in illicit drug trafficking and other supply-side activities. In Latin America, the overwhelming majority of women incarcerated for drug offences are first time, non-violent offenders, with limited formal education or employment opportunities and the sole care provider of several children and other dependents, who engage in illegal drug activities because of situations of socio-economic vulnerability. Although these issues are better understood and visible in regional and global forums, few member states have taken action on the ground. Costa Rica is a notable exception. Since 2013, the country has adopted a number of reforms to reduce the high rate of incarceration of women in situation of vulnerability, by ensuring more proportionate sentences for certain

Bolivia's community coca control



Regulated legal cultivation

Registered growers can grow on a limited extension of land.



Enforced regularly

By both local growers unions and state agencies.



Investment in development

Non-conditional support in coca-growing areas.



Constitutional protection

The Constitution asserts the plant's cultural significance.

drug offences, providing alternatives to incarcerations and offering social and health support for those in need.

What next: Designing new benchmarks for global drug policy

The 2016 UNGASS was instrumental in expanding the scope of global drug policy debates beyond the siloed three pillars of demand reduction, supply reduction and international cooperation to also focus on health (including harm reduction and access to controlled medicines), development, human rights and new challenges. Going forward, this seven-pillar structure should prevail in global drug control debates.

This Shadow Report demonstrates that the objective of achieving a drug-free world is unrealistic and unachievable. The pursuit of 'drug-free world' targets has resulted in policies and punitive enforcement practices which have undermined health, human rights, development and security. Beyond 2019, the overall goals of global drug policy – as well as the metrics and indicators used to evaluate progress – urgently need to be reconsidered. New goals, metrics and indicators should be aligned both with the UNGASS Outcome Document and the SDGs, and focus on the critical need to minimise drug-related health harms, improve access to healthcare, uphold basic human rights, ensure gender equality, reduce poverty in cultivation and trafficking areas, improve citizen safety and reduce corruption. A detailed list of indicators is proposed in the final section of the Shadow Report.

Conclusion

The commitments and targets set in the 2009 Political Declaration and Plan of Action have not been achieved, and in many cases have resulted in counter-productive policies. The Shadow Report also raises a number of issues on the past and future evaluation of global drug policies. Firstly, the Report highlights the urgent need to conduct more thorough and regular research on the broader range of impacts of drug policies at local, national, regional and international level.

Secondly, and related to the need for more research, the Report puts into question the sources of data currently being used for such formal evaluations. These rely heavily on government reporting. A more comprehensive and balanced picture of the situation requires incorporating civil society and academic research. This is particularly important for sensitive issues related to drug policy and human rights.

And thirdly, the lack of progress made towards the drug-free targets, along with the negative consequences associated with efforts to achieve those targets, mean that member states should reflect upon *what* to measure. Focusing exclusively on measuring the scale of the illegal drug market is clearly not enough to understand the impact of drug policy on the key UN Charter commitments to health, human rights, development, peace and security. The third section of this Shadow Report attempts to provide some recommendations which we hope will provide a useful starting point for further discussions as to which goals and metrics could be considered for the post-2019 global drug strategy.

Recommendations

In preparation for the 2019 Ministerial Segment, the IDPC network recommends that:

- The international community should consider adopting more meaningful goals and targets in line with the 2030 Agenda for Sustainable Development, the UNGASS Outcome Document and international human rights commitments, and move away from targets seeking to eliminate the illegal drug market.
- Post-2019, member states should meaningfully reflect upon the impacts of drug control on the UN goals of promoting health, human rights, development, peace and security – and adopt drug policies and strategies that actively contribute to advancing the 2030 Agenda for Sustainable Development, especially for those most marginalised and vulnerable.
- Global drug policy debates going forward should reflect the realities of drug policies on the ground, both positive and negative, and discuss constructively the resulting tensions with the UN drug control treaties and any human rights concerns associated with drug control efforts.
- Beyond 2019, UN member states should end punitive drug control approaches and put people and communities first. This includes promoting and facilitating the participation of civil society and affected communities in all aspects of the design, implementation, evaluation and monitoring of drug policies.