

## **I. PREVENTING DRUG ABUSE IN AN ENVIRONMENT OF ILLICIT DRUG PROMOTION**

1. Since drug abuse is driven by both demand and supply, it is necessary not only to control production and distribution of drugs, but also to aim at slowing the pace of growth of the drug market by reducing consumer demand. That was pointed out in an earlier report of the International Narcotics Control Board.<sup>1</sup> Programmes to reduce illicit demand for drugs must take into account a vast range of factors that influence people's tendencies to take drugs and must attempt to change attitudes and behaviour by tackling all environmental variables in a comprehensive manner.

1. Preventing the abuse of drugs is becoming an increasingly difficult endeavour, at least partly because of the rapid and growing spread of messages in the environment that promote drug abuse. Many of them can be regarded as public incitement and inducement to use and abuse drugs. Therefore, present efforts at prevention need to be strengthened and innovative prevention initiatives need to be developed and implemented.

3. Public health measures, to ensure a healthy society, include the prevention of drug abuse. No form of non-medical drug use is healthy; therefore, drug abuse prevention should be seen as part of the general effort to raise the level of health in society. People who abuse drugs cause direct damage to their own health but people who abuse drugs by injection also expose themselves and others to a considerably greater risk of contracting and spreading the human immunodeficiency virus (HIV) and other blood-borne diseases such as hepatitis B. Drug abuse also damages the fabric of the family, the community and society. The costs to society of treating and rehabilitating drug abusers are high; prevention programmes, even if they do not bring immediate results, can be more cost-effective than treatment and rehabilitation programmes. In addition, drug abusers often commit offences such as stealing money or food from their families, other individuals and public or private properties or engage in prostitution, in order to pay for drugs.

2. While the elimination of all forms of drug experimentation, use and abuse will never be achieved, it should not be a reason to give up the ultimate aim of all prevention efforts, namely a drug-free society. Most prevention efforts do have an effect and, like commercial advertising, reach enough of the market to have a positive impact. Prevention programmes should be considered successful even though they may not prevent all illicit drug use.

5. Reducing illicit drug demand and reducing illicit drug supply are both essential components of a comprehensive programme for preventing drug abuse. Restricting supply through interdiction, for example, pushes up the price of illicit drugs and makes them less available, while demand reduction policies reduce the market demand for such drugs.

### **A. Risk factors associated with drug abuse**

3. Epidemiological and aetiological research shows that the question of whether or not an individual might abuse drugs is related to the risk and protective factors individuals possess or are confronted by. These factors are related to the biological and psychosocial

factors, including personality traits, behavioural factors and family and educational background of the individual, to the wider environment, which includes school and peer groups, and to the contextual situation, such as illicit drug promotion, drug availability, cultural norms, such as the frequency with which medicines are resorted to, economic circumstances, community disorganization and social marginalization. Some risk factors may vary between countries and even within countries. They may vary in importance, as their relative weighting may change in time and in response to individual and cultural contexts.

7. Drug abuse can be averted if the risk factors are avoided, reduced or appropriately modified. This must take into account, however, the fact that the reasons—and the associated risk factors—for first taking illicit drugs, for continuing to take such drugs on an irregular basis and for becoming dependent on drugs are likely to be different. In modifying risk factors, account must also be taken of the broader sociocultural setting, which determines how drug-taking behaviour is perceived—whether it is regarded as deviant or acceptable for certain groups of people. This is especially true where there are long-standing cultural norms in favour of, or against, the taking of a particular drug. Increasing influence is being exerted by some media in terms of encouraging the initiation into drug abuse of children and adolescents, and in some instances there appears to be, if not public incitement, public inducement to use and abuse drugs.

#### **B. Legal status of public incitement to abuse drugs: international drug control treaties and national legislation**

8. Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988<sup>2</sup> refers to “publicly inciting or inducing others, by any means, to commit any of the offences established in accordance with this article or to use narcotic drugs or psychotropic substances illicitly” (subparagraph 1 (c) (iii)) and requires each party to establish such conduct as a criminal offence under its domestic law. The provision was included in the 1988 Convention because of concern about magazines and motion-picture films glorifying drug abuse and promoting a drug culture.

9. When considering the meaning of “public incitement”, the word “public” can be understood to refer to an action taken in public or a situation where the public as a whole is addressed.\* The phrase “by any means” implies that the provision should be broadly interpreted and should cover incitement not only in public addresses or rallies, but also incitement using any type of media, including printed, audio-visual and electronic media. “By any means” should also be understood as covering any method of incitement and inducement, such as deceit, influence, monetary inducement or force.

10. A safeguard clause in article 3 of the 1988 Convention makes the offence of public incitement to use drugs illicitly subject to each party’s constitutional principles and the basic concepts of its legal system. In some countries, the criminalization of public incitement to use

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\*Although article 3, subparagraph 1 (c) (iii), refers to “publicly inciting or inducing”, incitement or inducement occurring privately should also be addressed in domestic legislation and, in certain contexts, may be considered as constituting the offence of “facilitating and counselling the commission of an offence”, which is covered under article 3, subparagraph 1 (c) (iv).

drugs illicitly may run counter to guarantees of freedom of expression, either included in the constitution or embodied in statute law, judicial decisions or customary practice. It should, however, be the duty of States to find a practical way of conciliation between the contradictory exercise of rights. The freedom of expression cannot remain unrestricted when it conflicts with other essential values and rights. The Board notes that it has been possible in most countries to take measures against the unrestricted availability and propagation of pornographic literature and material; it hopes that similar measures might be feasible with respect to the promotion of drug abuse.

11. To avail itself of a safeguard clause, a party to the 1988 Convention does not need to enter a reservation or make a specific declaration to the effect that its constitution does not allow a provision to be implemented. Under a number of articles of the 1988 Convention, however, parties have reinforced safeguard clauses with specific reservations or declarations. No such declaration or reservation has been entered in relation to publicly inciting or inducing others to commit drug-related offences.

### *National legislation*

12. Incitement to commit criminal offences in general is often covered in national penal codes, and incitement by the mass media to commit offences is usually dealt with in legislation governing the media. In addition, many drug control laws and regulations have established incitement or inducement to consume illicit drugs as a separate criminal offence. A number of those laws do not distinguish between public and private incitement to commit such an offence, describing the conduct in question without reference to the number of persons involved. It is assumed that a judge deciding on the appropriate penalty in such a case will take into account the circumstances of the incitement to commit the offence, in particular whether it was public or not. Other laws specifically cover both private and public incitement to commit an offence under separate provisions and still others deal only with public incitement.

13. When describing the means of incitement to use illicit drugs, some provisions use the wording of the 1988 Convention while others describe the conduct in various terms indicative of methods of incitement, such as “encourages”, “persuades”, “surreptitiously or forcibly incites” or “shows illicit use in a favourable light”. A number of laws specifically refer to the promotion or advertising by the mass media of the illicit use of drugs. In France, reference is made to using printed, audio or visual means to incite drug abuse; the public health code provides for up to five years of imprisonment and substantial fines for presentations favouring drug abuse. German law refers to incitement through the dissemination of written material, while the law in Honduras penalizes incitement via the communication media, whether auditory, printed or audio-visual. In Venezuela, it is unlawful to use audio, printed or visual media or drawings, recordings, photographic prints or banners or any other form of symbolic expression to incite illicit drug use.

14. Significant prison penalties are provided for under many laws prohibiting such public incitement. Those penalties largely exceed the penalties provided for illicit drug consumption in cases where the law also penalizes such consumption. Some provisions emphasize that incitement should be penalized whether or not it has led to consumption. Greater penalties are provided for aggravating circumstances, such as where incitement leads to the death of a

person; is directed at a minor; is carried out by any person in charge of taking care of the victim, such as a teacher, parent or guardian; is carried out on the premises of educational, sports, health, military or penal facilities; is carried out by a public officer or with recourse to violence; or is carried out as part of the activities of an organized criminal group.

### **C. Changing the environment that promotes drug-taking**

#### *Popular culture*

15. By far the greatest influence on many young people in developed countries, as well as in some developing countries, is the promotion or at least the tolerance of recreational drug use and abuse in popular culture, particularly in popular music. Some lyrics of songs advocate, directly or indirectly, smoking marijuana or taking other drugs and certain pop stars make statements as if the use of drugs for non-medical purposes were a normal and acceptable part of a person's lifestyle. Popular music has quickly developed into a global industry. In most countries, the names of certain pop stars have become familiar to the members of almost every household. With such globalization of popular music, messages tolerating or even promoting drug abuse are reaching beyond their countries of origin. Therefore, the Board believes that there may be some merit in enlisting the support of pop stars, sports stars and other popular personalities as non-drug-using role models in order to counter the multitude of messages in favour of the recreational use of illicit drugs. The Board invites Governments to contact representatives of the music and sports industries in that regard and to explore with them ways of contributing to the development of a popular culture that is against drug abuse.

#### *Media*

16. The media reach a vast audience every day and can therefore make a powerful contribution to the prevention of drug abuse. There have been, however, campaigns that have served to encourage drug use and abuse, in particular the use of marijuana. Some of these have been in the form of newspaper and magazine advertisements signed by prominent people in all walks of life.

17. The portrayal of drug use and abuse by some media reflects the concerns of alarmed parents and, at the same time, often fuels parental concerns without offering solutions, as well as widening the gap between young people and adults. Some newspapers are in the business of entertainment rather than information, so that sensationalism, if it improves circulation, is likely to be pursued at the expense of truth.

18. Objectivity rather than sensationalism should influence the sort of information carried by the media. Sensationalism, the desire to be provocative and the need for higher ratings, may also be behind the fact that several television companies in some countries in western Europe appear to be broadcasting many more programmes in support of a change in the drug law, if not the outright legalization of drugs, particularly cannabis, than programmes examining the consequences of following such a policy and the harm arising from it. Preventive education campaigns aimed at accurately informing the public in general of the effects of drugs and drug abuse will help to promote a more rational approach to drug problems and to avoid sensationalism.

19. The exaggeration of the immediate dangers of abusing some drugs means that there is an increasing gap between the information received by the community and the experience of young people. Similarly, the frequent calls by politicians to respond to drug abuse by introducing more severe punishment reveals a powerful lack of understanding of the nature of drug abuse and, in particular, of drug dependence. It is not the severity of punishment that acts as a deterrent, but the certainty of punishment.

20. In addition, some medical journals, magazines and newspapers have run features and editorials favouring the “medical” use of cannabis or suggesting the outright legalization of drugs. Some reputable journals publish editorials that are mainly or always in favour of legalization of the non-medical use of drugs. While such information can be seen as part of the general discussion of the subject, it tends to generate an overall climate of acceptance that is favourable to or at least tolerant of drug abuse. More thorough research needs to be undertaken in scientifically controlled trials to determine whether there is a case to be made for such medical use or whether existing treatment options are equally or more effective.

21. To maintain a balance in the public debate, policies that offer alternatives to drug legalization, and reliable information on the likely effects of such legalization on the individual, family and society need to be presented. It is also necessary to stress the importance of the international conventions to which States are parties and to see the issues in an international perspective and not just in a local one. Governments should play a positive, leading part in the debate and should not leave the advocacy role only to those who wish to bring about change. Drug issues which are of concern to and which will affect the majority of people should be the subject of a balanced debate, one that will allow those who are not persuaded by the calls for drug legalization to put forward their views. Scattered evidence from public opinion polls suggests that the majority of people are not in favour of any form of such legalization. The debate, unfortunately, has been taken over by a small number of activists who support some form of drug legalization.

22. It is possible to curb the showing by public broadcasting media, such as the press, radio, film and television, of favourable images of drug abuse. In some countries, it is possible to do this through legislation; in others it can be done through voluntary codes of practice; in still others, however, no restrictions on promoting drug abuse are in place because freedom of information and freedom of speech are considered to be more important than limiting the promotion of illicit drugs. The Governments of those countries may need to reconsider whether unrestricted access to and the propagation of such information are detrimental to the social and health conditions of their populations. Voluntary codes of conduct could be developed by the media, as suggested in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control,<sup>3</sup> to limit the irresponsible statements that are sometimes made and to encourage a more balanced approach to dealing with the issues of drug abuse.

### *Internet*

23. More information on drugs has been made available to more people than ever before through the Internet. There have always been books that explain in detail, for example, how to grow cannabis indoors or how to make a range of “designer drugs” or which common

plants contain hallucinogenic properties. That knowledge is now available on the Internet, crossing all national boundaries and defying restrictions on the dissemination of information (in books, newspapers, radio programmes, television programmes). There are many different pages on the World Wide Web devoted to the production and manufacture of illicit drugs and there are news groups for exchanging information not only on making drugs, but also on how to avoid detection, for sharing experiences and for providing support to persons arrested for illegal possession of controlled drugs. Most of the controversial information and ideas can easily be accessed by young people. However, there are also Web sites devoted to the accurate dissemination of facts about drug use and abuse and much of the material on prevention and drug education can be downloaded. Some information sites have taken this laudable step. Therefore, there is a positive side, as well as a negative side, to the new wealth of information available on the Internet.

#### ***Misleading promotion of products made from hemp (cannabis plant)***

24. The promotion of many products made from hemp (cannabis plant) is designed to further enhance the image of cannabis being a useful product, and the goods that are produced from hemp are often described as being environmentally friendly because they are made from natural substances. The products made from hemp that are currently being marketed include jackets, handbags, caps, hats, wallets and shoes, as well as food and beverages. The use of hemp in foodstuffs and beverages further presents the image of cannabis as an innocuous, edible or even nutritious substance. In many instances, the use of hemp in such products is not intended to demonstrate its superiority to other natural materials that already exist; it is done for tactical reasons, to legitimize the commercial use of hemp as part of a campaign to legalize cannabis. In their catalogues or advertising campaigns, many marketers of hemp openly admit that their objective is the legalization of cannabis, thus contributing to the overall promotion of illicit drugs.

#### ***Political campaigns***

25. Election campaigns have been conducted with candidates standing for parliament on a drug legalization platform. Some of the candidates for the European Parliament stood on such a platform and were successful. Thus, they were able to use their access and influence to win others over to their cause. Some campaigns, such as the successful campaigns for the “medical” use of cannabis in Arizona and California in the United States of America, have sought to change the law, while in the State of Washington a similar referendum was resoundingly defeated. Although the vast majority of such campaigns centre on the legalization, decriminalization or use of cannabis for “medical” purposes, there are organizations promoting the legalization of the non-medical use of other drugs; some are even promoting the legalization of all drugs.

26. Such political campaigns need to be met with rational arguments and unambiguous language pointing out the manifold problems that might arise from the decriminalization of drugs and that certainly would arise from the legalization of drugs, in particular the health and economic consequences of such action. The argument given by some that more harm is produced by tobacco and alcohol cannot justify adding other harmful substances to those already existing on the licit market.

27. The Board notes with regret that despite the fact that, as mentioned in paragraphs 8-11 above, Governments of States that are parties to the 1988 Convention are required to make the incitement or inducement to take drugs a criminal offence, either this has not been done or the law has not been enforced. Prominent people have issued some very public calls to take drugs and have not been prosecuted. This flagrant refusal by Governments to implement an international convention to which they are signatories is almost hypocritical.

### *Law enforcement*

28. A certain amount of discretion is inevitable when implementing the law. Prioritization takes place regarding which types of crime are pursued more vigorously than others because of limited financial and human resources. The seriousness of the crime must also be considered. Thus, there are areas in most cities, in both developed and developing countries, where drug transactions are known to take place. This is formally tolerated in some countries, for example, where cannabis is openly sold in coffee shops, an activity that might be described as indirect incitement. This is not in accordance with the spirit or the letter of the international drug control treaties. In other countries there may be known drug-dealing areas where the police do not enforce drug laws to the letter. This might introduce an element of tolerance if not actual approval. Too much liberty and tolerance of open drug dealing can also lead to a situation that attracts drug abusers and promotes drug dealing, as has been seen in some big cities in Europe in the past few years.

29. The most promising form of prevention, in the long term, is to try to promote the formation of opinions and attitudes against drug abuse, so that the culture becomes one that is predominantly against drug abuse, in the same way that tobacco smoking has, in some countries, gradually come to be regarded as being anti-social; as a result, there has been a considerable decrease in tobacco use. The change in attitudes towards tobacco use has required many years of effort on many fronts. It has been achieved by introducing continuous education and advertising campaigns and progressively heavy taxation while trying to reduce the demand for tobacco through price control, in order to restrict its availability. It was possible to raise the cost of smoking tobacco through taxation; increased seizures of illicit drugs and the strict enforcement of drug legislation could have a similar effect on drug abuse.

### **D. Prevention strategies that can be effective in the present environment**

30. A great deal can be done to counteract the messages in favour of drug abuse to which young people are frequently exposed in the present environment. The individual's environment consists of attitudes concerning the use and abuse of drugs, the availability of illicit drugs and the perception of the risk involved if they are consumed, together with the likelihood of being caught and the penalties imposed. But individuals are in a larger social environment consisting of the family, peers, the community in which they live and the broader society of which they are a part, whose attitudes, values and patterns of behaviour all have an impact on the individual. Successful demand reduction programmes must take into account all these variables simultaneously. Most campaigns against drug abuse do not deal with all risk factors and are not integrated into wider demand reduction programmes. Social influence programmes, for example those concerned with peer pressure and self-esteem, target a narrow range of known risk factors and, on their own, have an impact that is far from substantial. Alternative activities, however, have been found to be effective for specific high-risk

groups, for example, thrill-seeking teenagers or young adults. Such groups are likely to use drugs earlier and more often than their peers.

31. Attitudes are formed at an early age and are influenced at various stages of a child's development by parents, teachers, peers and other potential role models. It is considerably easier to shape the attitudes of young persons, or to move those attitudes in the direction in which they were headed, than to change already formed attitudes. Thus, drug education, as part of a broader approach concerning healthy lifestyles that has proved effective, should start at an early age. Ideally, it should start with the family, in the pre-school years, and should continue throughout the education of the child and adolescent. Since the results of such early prevention might only be visible after a number of years, politicians obviously preferred to spend only a small part of the available funds on primary prevention. The Board encourages Governments to think in a longer term perspective. Drug education should also be appropriate to the age and culture in question. It should be not only knowledge-oriented but also value- and skill-oriented. The content of the messages should also be closely scrutinized and should target specific population groups. The information given in drug prevention programmes must be accurate. Even exaggeration is counter-productive. Many messages against drug abuse are only given to young people after they have been already exposed to a multitude of messages in favour of drug abuse. This is too late to have much of an effect on established opinions, attitudes and beliefs, let alone reverse them, especially if campaigns against drug abuse are limited, as most are, by monetary constraints. Thus, children should receive messages against drug abuse before they are assailed by messages favouring such abuse.

32. Children not in a formal education system can be reached by street educators. In addition, young people outside the school environment can be reached through youth clubs and other activities for youth. In some countries these out-of-school activities may be a more important means of reaching young people than the schools. Drug prevention programmes also need to be carefully evaluated, because programmes that may appear to be successful may in fact not be.

33. The involvement of communities in drug prevention is often important or even essential to the success of prevention activities. In some countries public and private institutions and community organizations have formed a common front to combat drug and crime problems. The private sector is an underutilized but potentially powerful resource in the area of drug abuse prevention.

34. Much more attention should also be given to those who are experimenting with drugs. It is important that they do not continue such experimentation and become polydrug users or become drug-dependent. The drug culture will have less impact when the number of drug users is reduced. It can be argued that primary prevention and demand reduction programmes have not been effective because they have offered too little too late. Most activities against drug abuse concentrate only on one aspect of demand reduction rather than tackling it across the board. There are many good health promotion, healthy lifestyle, self-esteem-building and decision-making programmes in place in schools, but too often they are not accompanied by programmes aimed at those who are experimenting with drugs or at drug users who need various forms of treatment and rehabilitation programmes.

35. Just as it is important to influence general attitudes towards drug use and abuse, so it is also important to try to restrict the availability of these drugs. Drug availability itself contributes to the overall atmosphere favouring drug promotion, which is why it is necessary to maintain vigilance concerning the supply of illicit drugs. A reduction in the supply of illicit drugs can be made in several ways: by restricting the importation, manufacture and production of illicit drugs; by limiting the availability of the source material or the precursors, the substances used to manufacture them; by reducing the availability of drugs at the street level; and by complementing such attempts by effective demand reduction programmes.

## E. Conclusion

36. Given the constant messages that are in favour of drug use and abuse, particularly from pop culture and some media, it is more necessary than ever to take demand reduction activities seriously.

37. The media have always been an influential force in public education. In general, the media take their role in the prevention of drug abuse and the related problems seriously and have been a factor in drawing the attention of Governments to the magnitude of the problem and in alerting the public to the menace of drug abuse and illicit trafficking. Governments should help the media in their endeavours and should work together with them as partners, in order to prevent drug abuse.

38. The Board calls on Governments to use new forms of communication, particularly the Internet, in order to disseminate objective information about drug abuse. Governments are also invited to seek the cooperation of the telecommunications industries and software providers in removing illegal subject matter from the Internet. Given the important function of popular figures in the sports and music industries as role models for young people and adolescents, Governments should endeavour to engage those individuals as advocates of the struggle against drug abuse and illicit trafficking.

39. The Board wishes to remind parties to the 1988 Convention that article 3 of that Convention requires them to establish as a criminal offence public incitement or inducement to use drugs illicitly. The Board urges Governments to ensure that their national legislation contains such provisions and that those provisions are enforced, making violators liable to sanctions that have an appropriate deterrent effect.

40. The Board also wishes to remind parties to the international drug control treaties that they are required to provide a range of demand reduction measures. Article 38 of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol<sup>4</sup> states that parties should give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, aftercare, rehabilitation and social reintegration of the persons involved and should coordinate their efforts to those ends. Article 20 of the Convention on Psychotropic Substances of 1971<sup>5</sup> and article 14 of the 1988 Convention have similar provisions. The importance of reducing illicit demand for narcotic drugs and psychotropic substances was recognized in the Political Declaration and Global Programme of Action adopted by the General Assembly in its resolution S-17/2 of 27 February 1990 and in several resolutions adopted by the Commission on Narcotic Drugs since then. It was also emphasized in the report of the Board for 1993.<sup>6</sup> It is hoped that at the special session of the General Assembly on international drug control, to be held from 8 to 10 June 1998, a declaration on demand reduction will be adopted and greater priority and renewed urgency will be given to the development of demand reduction programmes.

41. While the Board recognizes that the effectiveness of demand reduction programmes may vary according to the cultural context and environment in which they are implemented, there are nevertheless a number of elements that are the key to reducing the illicit demand for drugs. For prevention programmes to be effective, they must start early, be comprehensive and tailor their messages to the market. They must also be sustained and must maintain their credibility by not exaggerating or understating the consequences of drug abuse. It is the belief of the Board that, if these principles are followed and if sufficient resources are allocated to this end, preventive measures can have a real impact on the problem of drug abuse.

42. The importance of prevention is pivotal, not only because young people are being inundated with messages favouring drug abuse, but also because of the changing social, economic and political

environments, which have led to social upheaval and a lessening of social controls. The opening up of new trafficking routes and the rapid increase in drug abuse in countries previously without a demand problem have led to an upsurge in the number of drug abusers. To counteract this, not only must the supply side of the equation continue to be pursued with vigour, but also the demand side must be tackled with urgency and in a more thorough and comprehensive way. The Board wishes to draw Governments' attention to their responsibility to counteract and limit the promotion of messages favouring the use of licit as well as illicit drugs, because the promotion of licit drug consumption also has ramifications concerning people's attitudes towards illicit drug consumption.