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DISPROPORTIONATE APPLICATION OF DRUG LAWS UNDERMINES THE CONVENTIONS, SAYS INCB

Vienna, 5 March (United Nations Information Service)—The Vienna-based International Narcotics Control Board (INCB) today called on Governments to apply the law proportionately when prosecuting drug offenders, as not doing so could undermine efforts to effectively implement the very conventions that these laws seek to enforce.

The principle of proportionality and drug-related offences is the focus of chapter one of the INCB Annual Report 2007, launched today (5 March 2008) in Vienna, Austria.

The Board notes that progress has been made since it last addressed the issue of proportionality in 1996. However, some countries still expend disproportionate effort in targeting low level offenders and drug users, as compared to the more pressing issues of identifying, dismantling and punishing those who control or organize major drug trafficking activities.

While highlighting the need to provide alternatives to imprisonment for drug users, including access to treatment, rehabilitation and reintegration programmes, the Board urges Governments to pay adequate attention to high profile cases of drug abuse.

Celebrity “endorsement” of drug-related lifestyles is particularly relevant when it comes to the issue of deterring drug use among youth, who are often most vulnerable to the cult of celebrity and its attendant glamour.

The fact is that when a celebrity uses drugs, he or she breaks the law, states the report. Young people are quick to pick up on and react to perceived leniency in dealing with such offenders. This raises questions about the fairness of the justice system and could undermine wider social efforts at reducing the demand for drugs. The same is true for higher level drug offenders.

The Report notes the wide differences between countries and regions when it comes to tolerance towards drug-related offences and offenders. Penalties for similar offences may seem severe in some places, but lenient in others.

The international drug control conventions, of which INCB is the custodian, encourage and facilitate proportionate responses by States to drug-related offences and offenders. However, they set minimum standards only. While this is not an issue when it comes to punishing large-scale drug trafficking, there is no universal “moral instinct” about what is right or wrong when it comes to punishment for less serious cases. Many states impose unconditional imprisonment on drug abusers for lesser offences, such as possession or purchase of drugs for personal use, and these typically make up a significant proportion of growing prison populations in some countries.

Citing the cases of Afghanistan and Colombia, INCB points out the growing complexity of drug trafficking operations and the still rampant flow of drug funds across international borders. In line with the United Nations Convention against Transnational Organized Crime, it calls on Governments to take “determined, secure, trusting and well coordinated action between...law enforcement agencies—particularly the sharing of intelligence and evidence with countries that can take effective confiscation action”.



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In the Report, INCB strongly urges Governments to take a number of remedial steps including giving high priority to enacting and implementing legislation allowing for freezing and seizure of assets of drug traffickers. It urges Member States to widen the availability of and access to drug treatment and rehabilitation programmes in custodial settings. It further asks Governments to increase the range of custodial and non-custodial remedies and possible use of drug courts with an emphasis on those with a high probability of relapse into a high-risk lifestyle, including where appropriate, mandatory treatment, as alternatives to imprisonment.