

Vienna International Centre, P.O. Box 500, A-1400 Vienna, Austria
Telephone: +43-1-26060, Telefax: +43-1-26060-5867 / 5868
E-Mail: incb.secretariat@un.org Internet Address: <http://www.incb.org/>

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**Statement by Mr. Cornelis de Joncheere, President,
International Narcotics Control Board (INCB)**

**“Drug Reform: From a Punitive to a Supportive Approach –
The Norwegian Proposal”
Special Event organized by Norway, the INCB, the UNODC Drug Prevention and
Health Branch and the WHO**

**Sixty-third session of the Commission on Narcotic Drugs
Monday, 2 March 2020, 13.15 – 14.45, Room C3**

Distinguished co-panellists, excellencies, colleagues, ladies and gentlemen,

On behalf of the International Narcotics Control Board, I would like to thank the Norwegian Ministry for this initiative and the opportunity to speak at this special event. You have brought together today a panel of distinguished speakers, who are experts on a range of topics related to global drug policy and emerging criminal justice trends.

For its part, the INCB is an independent and impartial body that bases its analysis of drug policy on the letter and spirit of the drug control conventions. The topic of today’s event is pertinent to the treaty-monitoring work of the Board and whether and how decriminalization of personal drug use and possession may fit into the existing framework of the treaties.

In the context of the ‘Norwegian Proposal,’ first I would like to thank the Government of Norway and its Ministry of Health and Care Services for welcoming an INCB Mission to your country, which took place in May last year. Norway’s implementation of the treaties, as well as the policy developments we are discussing today related to decriminalization proposals, are manifestly based on Norway’s desire to assist, treat, and improve the health of people who use drugs. I look forward to hearing more information and analysis from the speakers here today about the possible directions of Norway’s plans towards a new criminal justice approach that will prioritize treatment and follow-up, instead of criminal punishment.

The Board has consistently stated that the existing international drug control framework, made up of the three drug control conventions, is designed to protect human health and safeguard people from disproportionate criminal-justice responses to drug possession on account of personal use or dependence. Full and effective implementation of the three treaties requires deepening our collective understanding of how reforms to drug control policy in some States can help stop reliance on incarceration of drug dependent people and prevent the use of counterproductive methods of punishment and conviction for people who commit minor drug offences.

The Norwegian Proposal aims to change the fundamental reactions of authorities to persons using drugs. It is an example of how States, at their own discretion, can adopt humane policy measures based on a public health-oriented approach. It is fully consistent with the Conventions to exempt the possession of small quantities of drugs from criminal prosecution and instead react, in a proportionate manner, to minor drug offences through health-centred non-punitive actions.

In response to the approach adopted in Portugal, and which has been referenced as a model for the Norwegian Proposal, the INCB President previously said that “a drug policy which is fully committed to the principles of the drug control conventions, putting health and welfare at its centre and applying a balanced, comprehensive and integrated approach, based on the principle of proportionality and the respect for human rights, can have positive results – **within** the existing drug control system and **without** legalising the use of drugs.” Norway has directly stated that its drug policy reform proposal should **not** lead to legalisation, which shows that it plans to elaborate its policy reform and a new legal framework fully based on the obligations contained in the drug control conventions.

The Conventions contain a legal framework that should form the foundation for effective and proportional criminal justice responses to drug-related offences. While States have some degree of discretion about the types of measures they might apply to illicit drug-related activity, the treaties specify that the possession of drugs should be limited exclusively to medical and scientific purposes. No derogation to this fundamental principle, found in article 4 (c) of the 1961 Convention as amended is permitted. The 1961 Convention also refers to the requirement in article 36 para 1 (a) that possession of illicit drugs for reasons contrary to the convention “shall be punishable offences.” - Which does not mean that they need be “criminal offences”.

Subject to these obligations, States may choose to adopt alternative measures to punishment in response to drug-related offences of a minor nature. The conventions allow States to provide alternatives to punishment or conviction, such as treatment, education, after-care, rehabilitation and social reintegration when the offender is a user of drugs who has committed a minor offence. Many States including Norway are asking how, within the framework of the conventions, to treat drug use, as first and foremost, a public health concern. The principle of proportionality, which underpins the criminal justice-related provisions in the conventions, should help shape these responses to individual drug use and dependency so that they are distinct from more serious categories of drug-related crimes, such as trafficking.

While the legal framework and precise direction of the Norwegian Government’s reform has not yet been finalized, the INCB welcomes this dialogue. The continuing stigmatization and exclusion of people with drug dependence will continue to fuel efforts by Governments to identify approaches that put health and welfare of people first, while respecting the commitments made to the global community in the conventions.

The Board remains at the service of all Governments that are attempting to design, in line with the conventions, humane drug policies that will apply non-punitive or non-criminal responses to minor drug-related offences.

Thank you.