

Decriminalization and drug policy reform in Africa

Maria-Goretti Loglo: mloglo@idpc.net 1st INHSU Regional Conference Cape Town, February 2020





- Global network of 197 NGOs •
- Promoting drug policy debates and NGO participation ightarrow
- Policies based on evidence, health, rights and development \bullet



A global network promoting objective and open debate on drug policy

Two main aims to international drug control treaties:

- prohibit supply of and demand for controlled substances for non-scientific or non-medical purposes
- ensure adequate access to those substances for scientific / medical purposes





What has been the response in Africa?

 The treaties have been interpreted as endorsing a "war on drugs"

- a Western construction which was imported into this continent

 Most Western governments have started shifting towards more humane policies
 a clear indication of an error of their ways



Africa's "War On Drugs" Has Created...

- Injecting drug use reported in 36 countries
- Estimated 645,000 3 million people who inject drugs
- HIV prevalence as high as 46.3% in some countries
- HCV prevalence as high as 97.1%!
- Public health crises and widespread violence
- Systemic human rights violations
- Overburdened prisons





What is decriminalization?

Elimination of criminal penalties for:
use and possession of all drugs
Equipment or paraphernalia used to consume drugs

 Either written into law (de jure decriminalization)
 Or just delivered in practice (de facto decriminalization).



What does decriminalization offer?

- Reducing harms associated with drug use e.g. overdose, HIV, hep C
- Reducing stigma
- Expanding access to harm reduction
- Improving access to medicines
- Shifting health metrics (from a focus on use to problematic use)



'Decriminalisation across the world'

an interactive web-tool

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National

Antigua and Barbuda

Legal model: De jure - Statute Activity: Possession of cannabis only. Cultivation of cannabis only Substances: Cannabis only Thresholds: Binding Decision maker. Police Outcome: Confiscation of drug

There are no legal or administrative sanctions for being caught in possession of cannabis or for cultivating cannabis for personal use, subject to threshold amounts

If you are caught in possession with less than 15 grams of cannabis for personal use and/or 4 home grown plants, threshold/reasonable usagel/growing cannabis/supplying drugs socially, you risk confiscation of the drugs but there is no other penalty.

ceeding the home-growing thresholds can entail a cultivation offence, which attracts hefty fines and a criminal conviction

Smoking cannabis in 'public spaces' is a civil offence. Sanctions: First instance - Warning: Second instance - \$500 violation ticket (failure to pay can ead to proceedings before a magistrate's court, which can impose community service). Third instance - Up to \$1,500 fine.

While bars, restaurants and clubs are deemed 'public spaces', where cannabis use is prohibited, open areas defined by tourist establishments as 'smokin areas' are exempted; which introduces a degree of arbitrariness

Decriminalisation date 2018

Legal framework

Antigua and Barbuda's model of decriminalisation is codified in the country's laws through statutory reforms, and was introduced in 2018, with The Misuse of Drugs (Amendment) Act 2018.

Decriminalised activities

Possession of cannabis only, Cultivation of cannabis only

Thresholds

In Antigua & Barbuda, police decide on whether possession is for personal use via the following binding thresholds:

Substance Amount Cannabis (herbal) 15g Cannabis (herbal) 4 home grown plants

Sanctions

Confiscation of cannabis

No other penalty

References

Talking Drugs; Antigua and Barbuda Set to Decriminalise Cannabis, as PM Says It is "Part of the Culture of the Country"

Pay attention to amended cannabis laws, the drug has not been legalised











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and many more...

Current political support for decriminalization

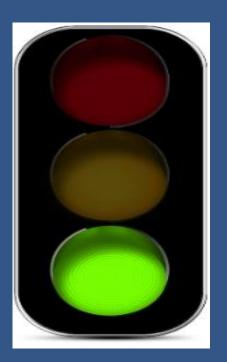
Decriminalisation is now a widely endorsed policy response:

- UNGASS Outcome Document (2016)
- UN System Common Position on Drugs (2019)
 - all 31 UN agencies
- AU Plan of Action on Drug Control 2019-2023
- Global Fund to Fight AIDS, Tuberculosis and Malaria
- Global Declaration to Eliminate Hepatitis C in People Who Use Drugs



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KEY: Decriminalization is permitted in the treaties



- INCB (essentially the "treaty watchdogs") acknowledge that decriminalisation of personal use/possession is perfectly admissible under the treaties
- "Parties may provide... as an alternative to conviction or punishment... measures of treatment, education, after-care, rehabilitation and social reintegration" (1961 Convention, Article 36)



What are the next steps for Africa?

- The response in the region has been slow
- However, some countries are taking baby steps:
 - Ghana has a Bill before its Parliament on decriminalization of personal use of drugs
 - ✓ South Africa?
 - Seychelles?

14 countries are now implementing harm reduction



Civil society's role in the decriminalisation debates



The 2019 Ministerial Segment: Key wins, remaining challenges, and next steps for advocacy

Context

2019 marked the expiry date for the targets set out in the 2009 UN Political Declaration and Plan of Action to 'eliminate or reduce significantly and measurably' illicit drug cultivation, trafficking, consumption and money laundering.1 In 2017, UN member states agreed to 'convene a ministerial segment open to all States Members of the United Nations and interested stakeholders...to take stock of the implementation of the commitments made to jointly address and counter the world drug problem, in particular in the light of the 2019 target date'.² Held on 14 and 15 March 2019, the event included a plenary thematic debate that featured more than 120 country statements as well as two roundtables, one to 'take stock' of the core of these discussions was a fundamenta

the past decade, the other on 'safeguarding the future' of global drug policy.

Held only three years after the 2016 United Nations General Assembly Special Session (UNGASS) on drugs, the event was a critical moment for member states to define the next decade of UN drug policy. It was clear early on in this process that member states did not want to embark in lengthy negotiations for a new substantive policy document, and as a result most of the negotiations revolved around whether to focus the next 10 years of drug control on UNGASS implementation or on a reaffirmation of the 2009 Political Declaration, or a mix of both. At

IDPC ASKS FOR THE 2019 MINISTERIAL SEGMENT



- 1. Encourage governments to scale up funding for harm reduction services
- 2. Engage more at national, regional and international levels.
- 3. Gather more African data on how repression is producing negative outcomes.
- 4. Develop and deliver new, appealing narratives to our leaders.



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THANK YOU!

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