

Decriminalization and drug policy reform in Africa

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

Two main aims to international drug control treaties:

1. **prohibit** supply of and demand for controlled substances for non-scientific or non-medical purposes
2. **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

Legal model - Any -
Activity - Any -
Substances - Any -
Thresholds - Any -
Decision maker - Any -
Outcome - Any -
Decriminalisation year range 1976 - 2020

View data for: National & State levels Australian states US states



www.talkingdrugs.org/drug-decriminalisation

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

Implementation
 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 usage)/growing cannabis/supplying drugs socially, you risk confiscation of the drugs but there is no other penalty.
 Exceeding 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 lead 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 'smoking 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 legalized](#)

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

and many more...

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

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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International Drug Policy Consortium

Advocacy Note
September 2019

**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 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 the core of these discussions was a fundamental

IDPC ASKS FOR THE 2019 MINISTERIAL SEGMENT

ASK 1	ASK 2	ASK 3	ASK 4
DRUG-FREE WORLD-TARGETS	REFLECT THE IMPACTS OF DRUG POLICIES ON:	REFLECT THE REALITIES ON THE GROUND (BOTH POSITIVE & NEGATIVE)	END PUNITIVE APPROACHES PUT COMMUNITIES FIRST
↓	HEALTH HUMAN RIGHTS DEVELOPMENT PEACE & SECURITY	(Icons representing various realities)	"Drugs have destroyed many lives, but wrong governmental policies have destroyed more." - Kofi Annan
MEANINGFUL TARGETS			

International Drug Policy Consortium (IDPC) asks for the 2019 Ministerial Segment. June 2018. <http://www.idpc.net/files/IDPC-ask-2019-190219.pdf>

THANK YOU!

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