

INHSU 2021:

9th International Conference on Hepatitis Care in Substances Users

**NOT ALL DECRIMINALISATION IS CREATED EQUAL:
MAPPING NON-CRIMINAL RESPONSES TO DRUG USE
AND RELATED ACTIVITIES GLOBALLY**

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decriminalisation *noun*

/diː,kɹɪmɪnələ'zeɪʃn/

Article 3.

*United Nations Convention Against Illicit Traffic in Narcotic Drugs
and Psychotropic Substances*

2. Subject to its constitutional principles and the basic concepts of its legal system, each Party shall adopt such measures as may be necessary to establish as a criminal offence under its domestic law, when committed intentionally, the possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption contrary to the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention.

United Nations system common position
supporting the implementation of the
international drug control policy through
effective inter-agency collaboration

- To promote alternatives to conviction and punishment in appropriate cases, including the decriminalization of drug possession for personal use, and to promote the principle of proportionality, to address prison overcrowding and overincarceration by people accused of drug crimes, to support implementation of effective criminal justice responses that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings and ensure timely access to legal aid and the right to a fair trial, and to support practical measures to prohibit arbitrary arrest and detention and torture;

CEB/2018/2

Annex I

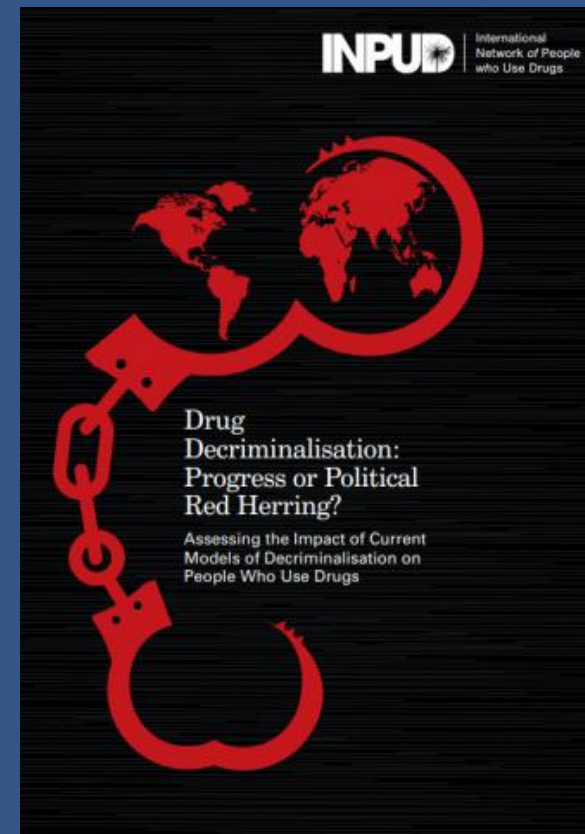
United Nations system common position supporting the implementation of the international drug control policy through effective inter-agency collaboration

Shared principles

Reiterating our strong commitment to supporting Member States in developing and implementing truly balanced, comprehensive, integrated, evidence-based, human rights-based, development-oriented and sustainable responses to the world drug problem, within the framework of the 2030 Agenda for Sustainable Development, we, the members of the United Nations system, underlining the importance of the following common values:

- Commit to supporting the practical implementation of the outcome document of the special session of the General Assembly on the world drug problem, held in April 2016, General Assembly resolution S-30/1, entitled "Our joint

**INPUD (2021)
Drug Decriminalisation:
Progress or Political Red
Herring?**



TALKING **DRUGS**



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Drug Decriminalisation Across the World

The criminalisation of people who use drugs compounds drug-related challenges and worsens health and welfare outcomes. Across the world, there is a growing number of jurisdictions where the possession of scheduled drugs for personal use has been decriminalised. In some countries and federal states, this has been extended to the cultivation of cannabis for personal use or the sharing of substances where there is no financial gain (also known as 'social sharing').

In the context of drug policy, 'decriminalisation' refers to the removal of criminal penalties for activities related to drug use. In some legal systems criminal penalties are replaced by civil sanctions, while in other systems no penalties are applied – please see our [glossary](#) for more detailed definitions.

Some form of decriminalisation has been adopted in 30 countries – with significant differences and levels of effectiveness. This interactive map provides an overview of these models, offering insights into decriminalisation laws, their implementation and impact.

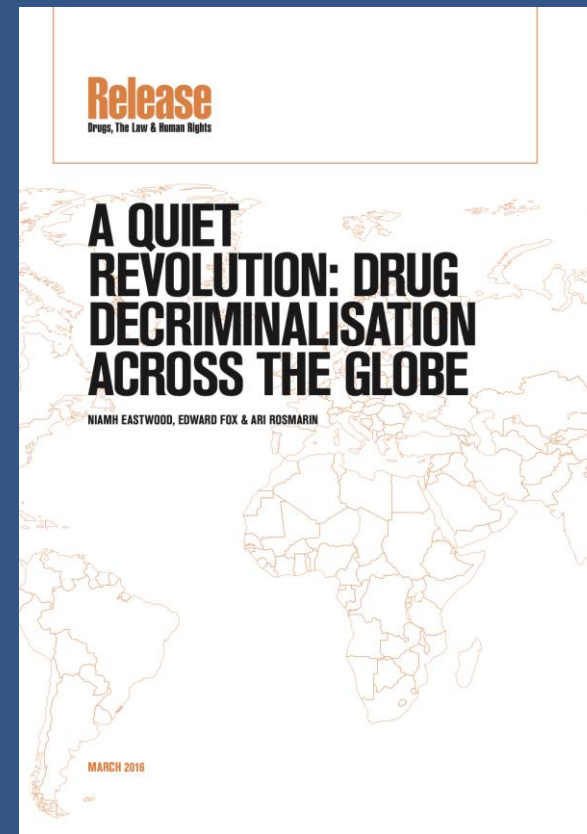
The inclusion of a jurisdiction in the map is not an endorsement. For example, countries like Mexico and Russia are highlighted below, despite the fact both countries have ineffectual frameworks as detailed in their country profiles. The gold standard of decriminalisation is the removal of all punishment for drug use, and the availability and accessibility of evidence- and human rights-based harm reduction, health and social services on a voluntary basis.

This map has been developed in partnership with [Release](#), the [International Drug Policy Consortium](#), and [Accountability International](#), thanks to the financial support of the [Robert Carr Fund](#) and [Open Society Foundations](#). This map will be updated regularly – if you do have any comments or feedback please [contact us](#).

- + [What's included in the map?](#)
- + [What's not included in the map?](#)
- + [Why decriminalisation?](#)

talkingdrugs.org/drug-decriminalisation

Release (2016)
**A quiet revolution: Drug
decriminalisation across
the globe**





- 61 jurisdictions
- 34 countries



Caveats!

Typology

1. Name of the jurisdiction
2. Type of legal model
3. Year of implementation
4. Activity / -ies
5. Substances
6. Thresholds
7. Decision-makers
8. Outcome

Russian Federation

Legal model: De jure - Statute **Activity:** Possession of any drug **Substances:** All substances **Thresholds:** Binding **Decision maker:** Police
Outcome: Confiscation of drug, Fine, Other administrative penalty, Voluntary referral

Implementation

While the Russian Criminal Code provides a framework for the decriminalisation of possession of drugs, the approach is limited by widespread corruption, the policy of "zero tolerance", the lack of effective drug dependence treatment, and the lack of respect for due process by police and courts. The thresholds used to determine if someone should be dealt with through administrative sanctions are also very low, however approximately 16,000 cases annually are dealt with in this manner.

Russia has one of the most punitive environments in the world for people who use drugs. Human rights abuses by State authorities against people who use drugs and their allies are rife and well documented. These include censorship, police brutality, due process violations, torture in detention, the prohibition of opioid substitution therapy, among many others.

It is estimated that only in 2018 some 100,000 people were sentenced under Art. 228 of the Criminal Code; the majority for simple possession charges.

Decriminalisation date 2004

Legal framework

Russia's model of decriminalisation is codified in the country's laws, and was introduced in 2004, with amendments to the [Criminal Code of the Russian Federation \(1996\)](#).

Decriminalised activities

Possession of any drug

Thresholds

In Russia, police decide on whether possession is an administrative offence based on binding threshold quantities, which are defined as less than a 'significant amount' and detailed in the table below.

Those who are caught in possession of drugs above the 'significant amount' threshold face up to three years in prison, and those caught in possession of an 'exceptionally large amount' can be imprisoned for anywhere between three and 10 years. For heroin an 'large amount' is 2.5 grams.

Substance	Amount
Cannabis (herbal)	6g
Cannabis (resin)	2g
Heroin	0.5g

Future developments

- Translations
- Enhanced implementation section
- Coordination with similar initiatives

Thank you!

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