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# Commission on Crime Prevention and Criminal Justice (CCPCJ)

The question of decriminalising drug use



**MODEL UNITED NATIONS**  
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<b>Forum</b>	CCPCJ
<b>Issue:</b>	The question of decriminalising drug use
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## Introduction

The discussion on the decriminalisation of drug use has been a continuous and prevalent issue that many policymakers, medical experts and the public have had concern over. The debate on this topic revolves around whether the legal or medicinal system should take the lead in handling drug related problems. It has been said that decriminalisation would result in enhanced health conditions (such as lower rates of diseases like cancer and HIV/AIDS), decreased rates of incarceration and a better outlook on drug users battling addiction. However, others think that this change would have a harmful impact on society and an increase in drug use would occur. The issue at hand has several potential benefits and drawbacks, with evidence from countries that have implemented policies to decriminalise drug use, to consider as evidence. Considering the ethical, social and economic aspects of this urgent topic can help to better the analysing of it to form effective regulations which would handle challenges related to drugs.

The war on drugs has previously focused on stricter laws and severe measures to stop the use and trafficking of drugs. Nevertheless, this outlook has been criticised because of its lack of success and increased costs including overloaded prison centres, drug related harm and other negative factors. The decriminalisation of drugs debate focuses on treating substance abuse as a public health concern, instead of a criminal one. This perspective places a strong emphasis on reducing the dangerous effects that the use of drugs has on both individuals and society. Decriminalisation would mean providing users with treatment, support centres and education on the substance abuse issues they face. Understanding the root causes for drug use such as mental health problems and poverty, all have a major impact on the debate of decriminalisation.

## Definition of Key Terms

### Decriminalisation

Decriminalisation is the process taken by a legislator to eliminate an offender's criminal penalties for an act, article or behaviour which is qualified as illegal. In the case of drug use, this could happen for small scale, recreational use or minor offences of supply and production of drugs.

### Harm reduction

Harm reduction is the implementation of policies and programs with the aim to reduce the dangerous effects that drug use, possession and distribution can have on individuals. Several examples of harm reduction are safer nicotine substitutes, addiction support centres, needle syringe programs and raising awareness on the effects that substances have on individuals and society.

### Legalisation

Legalisation is the process where a previously illegal activity is allowed by law. The process of stopping a drug from being illegal is called legislation.

### Overdose prevention

Overdose prevention is the act of keeping individuals safe from overdosing on a dangerous amount of drugs. Methods of overdose prevention are safer drug consumption rooms (DRC's) and supervised injection facilities (SIF's). These can create safer environments for drug users to ensure that they have access to medical services in the case of emergencies.

### Overdose

An overdose happens when an individual has taken a large amount of a substance, which can cause harmful and life threatening side effects to their body.

## Incarceration

Incarceration is the captivity in a jail or prison of an individual who has committed a crime. The amount of time that a person spends incarcerated is based on the crime they have committed and their situation.

## General Overview

### Origins of drug use

The usage of drugs dates back to the prehistoric period, approximately 2.5 million years ago to 1,200 B.C. People consumed drugs recreationally and medicinally, with the most common substances being produced naturally. Examples of this are tobacco, poppy plants and coca. It is said that societies began using substances during the Neolithic Era, which is when humans started to use plants as medicine for illnesses. An example of this is the use of cannabis in Ancient Greece, which was then believed to treat a variety of illnesses. Additionally, in Ancient Egypt, opium was said to relieve physical pain. Other countries in South America and China have also historically been known to use drugs for many daily activities. These early uses of drugs were most likely inspired by the observations of the substances' effects on humans and the trial and error experimentation process. Over the course of history, civilizations have become very familiar with drugs and have used a wide range of substances as they evolved. In today's world, drugs are continuously used for recreational and medicinal purposes.

### Opinions nations have on drug use

Countries have different opinions on whether drugs should be decriminalised or not. Some argue that the drawbacks of legalising drug use outweigh the benefits, others believe it would greatly affect a country's systems for the better. There are currently 30 countries which have decriminalised the use of some drugs, the most recognisable ones being the Netherlands, Portugal, the United States (only some states), Colombia and Peru. The Netherlands has had a very liberal approach

towards specific drugs in terms of drug legalisation. Cannabis has been decriminalised for small-scale and personal use in approved coffee shops since the year 1976. The country's harm reduction approaches also provide users with free needle exchanges as well as accessible methadone clinics. On the other hand, in Thailand, the legal system has a very strict approach to drug use. Punishments such as life imprisonment, large fines and the death penalty have all been used on drug users. Even possession of drugs can lead to these serious consequences. However, despite their severe laws, Thailand still faces many drug related issues and high rates of addiction. Recognising the different methods of drug use that nations have put into place can create useful perspectives on the efficacy of certain policies to tackle the issue of substance abuse and addiction.

### **Cultural significance of substances**

Drugs such as alcohol, marijuana and opium are a big part of many cultural traditions all over the world. It is important to understand that drugs have been established in many cultures for long periods of time. Peyote is a small cactus plant which contains psychoactive chemicals. It is used in religious events in Native American cultures to create spiritual visions and allow communication with others. During the Holi festival in India, people often use bhang, a mixture made of cannabis leaves and flowers. In different societies, the cultural significance of substances can vary based on social class and ethnicity. For example, in the Western part of the world, consuming large amounts of alcohol is mostly socially accepted. However, in other countries this might be severely looked down upon because it is considered inappropriate in some contexts. Drugs are viewed differently depending on culture, which can be a major aspect when deciding whether or not a country should decriminalise drug use.

### **Public safety concerns**

Strong connections have been found between the use of alcohol, tobacco and other drugs and a range of different public health concerns. These include mental health conditions, chronic liver and lung disease, cancer, STD's and others. The criminal justice system usually deals with drug users, typically those battling substance abuse disorders, but the healthcare system does not have as big a role as it should. This can lead to excessive drug use and can lead to fatal consequences in an individual's health, as some may feel as though they are not provided with enough support and

treatment for drug addiction. According to data collected by 'Prison Policy Initiative', one in five of the 2.5 million individuals incarcerated in the United States are there to serve their sentence for drug related offences.

## Major Parties Involved

### United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime is a globally known leader in the world of drugs and crime. The UNODC is a global organisation with its headquarters located in Vienna, Austria. It was established in the year of 1997 as a result of the combination of the United Nations Drug Control Programme and the Centre for International Crime Prevention. This organisation's aim is to address a wide range of issues associated with justice, security and health. The UNODC conducts thorough research and publishes relevant reports on drugs and crime, including the World Drug Report, which provides information on the global drug situation. These reports help to create policies by educating the public and leaders about drug production, trafficking, consumption and the consequences of various crimes. The UNODC supports countries in developing strategies and plans to address issues related to drugs, crime, terrorism and corruption.

### World Health Organisation (WHO)

The World Health Organisation was formed in 1948. It is a United Nations organisation which links countries, world leaders and the public to promote health, preserve global security and support individuals to help everyone reach the best possible health. Efforts to increase the availability of international health care are raised by the WHO. This organisation controls and regulates the approach to medical issues. Their goal is to encourage individuals to live healthier lives from birth to old age. Their Triple Billion Targets (one billion people to be benefitting from universal health coverage, one billion to be more protected from health emergencies and one billion to be experiencing better health and wellbeing by 2025) set forth a strategy based on scientific information to achieve universal access to optimal health.

## Portugal

Portugal is a country whose policies and laws should be considered when debating on the topic of decriminalising drug use. This country made low level possession and use of illicit drugs legal in the year 2001. In addition to this, Portugal increased the amount of methadone treatment, supply of syringes and other medicinal procedures to ensure the safety of their citizens. Since then, the country has not seen a major rise in drug use. There have been less rates of drug use, a decrease in arrests and incarceration rates related to drug use, a drop in the prevalence of AIDS/HIV and a reduction in the amount of deaths caused by drugs. A beneficial aspect of the decriminalisation of drugs in this country is that there has been a significant rise in the amount of individuals getting drug treatment. Based on a statement made by the United Nations, Portugal has not experienced an increase in drug tourism.

## The Netherlands

It has long been legal for Dutch prosecutors to drop charges on the possession of approximately one dose of any drug for recreational and personal use. When the amounts are equal to or less than the amount mentioned, both civil and criminal penalties do not apply. Compared to most of Western Europe and the United States, the Netherlands have also seen lower rates of drug addiction. Additionally, this country has had drastically lower rates of heroin use and less young people use drugs in a concerning way. However, it is still not permitted by the Dutch law to manufacture, distribute or possess substances. Although, it is still allowed to sell soft narcotics such as cannabis in coffee shops. As stated by the Dutch government, just like anywhere else in the world, drugs cause crime and violence. Therefore the government has responded to this by establishing firmer rules on coffee shops, cannabis growing processes and stopping the production and trafficking of hard drugs.

## Colombia

In Colombia, minor amounts of marijuana for personal use were practically decriminalised as a result of several court rulings. Following the Colombian Constitutional Court maintenance decision in 2012, a new law passed which required the country to provide full therapy for any individuals who

battle drug addiction, as well as to treat the addiction as a public health issue rather than a legal one. Since then, Colombian president Gustavo Petro has even considered making cocaine permitted by the legal system, despite the fact that the country is tackling the difficult issue of organised crime and drug cartels.

### **Saudi Arabia**

Drug use is very much prohibited by Saudi Arabia's traditional cultural and religious norms. Since 1988, the country's government has implemented imprisonment, fines and the death penalty for drug smuggling. Saudi Arabia has done a lot to prevent the use and distribution of drugs, such as enforcing harsh controls over pharmaceutical drugs with the aim to prevent misuse, increasing border security to stop drug smuggling and working with international organisations to prevent cross-border drug distribution. Saudi Arabia hopes to advocate its disapproval of drugs to its wider societies.

### **Malaysia**

Malaysia believes that drugs should not be used, tolerated or legal. The main reasons for this belief is that drugs are a public health concern, a significant factor in violence, as well as that they are not believed in when considering Malaysia's most common religion, Islam. Similarly to Saudi Arabia, Malaysia has also implemented the death penalty and severe jail sentences for people involved in drugs. Additionally, the Dangerous Drug Act of 1952 was made to regulate the manufacturing, use, distribution and trafficking of drugs. Its main objectives were to combat illegal drug trading and to stop drug abuse primarily with regards to public health concerns.



## Timeline of Key Events

<b>Date</b>	<b>Description of event</b>
1961	The United Nations created the Single Convention on Narcotic Drugs, with a focus on substance control and integrating previous treaties.
1971	Richard Nixon, President of the United States, initiated a War on Drugs which led to stern drug laws and more criminalisation.
1976	The Netherlands created a policy where cannabis was allowed, making it legal to be sold and consumed in coffee shops.
1988	Anti-drug measures were heightened globally, as the United Nations formed the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
1992	Bill Clinton, President of the United States, campaigned for treatment instead of imprisonment for drug users.
1994	Minor amounts of cannabis and cocaine were legalised for recreational use in Colombia.
1998	A heroin-assisted rehabilitation program was launched in Switzerland for chronic heroin users. This was an advocate for harm reduction.
2001	Portugal decriminalised the use of all drugs, which changed criminal penalties to civil ones and introduced more treatment centres.
2013	Uruguay was the first country to entirely legalise the growing, distribution and use of cannabis.
2015 onwards	Countries around the world such as Ireland, Mexico, Canada and Italy decriminalised possession of small amounts of drugs (mainly cannabis).

## UN involvement, Relevant Resolutions, Treaties and Events

- Common United Nations System Position on Drug Policy, 18 January 2019 (CEB/2018/2)
- International Cooperation to Address and Counter the World Drug Problem, 22 January 2019 (A/RES/73/192)
- Enhancing Action at National, Regional and International Levels to Address the Global Public Health and Security Challenges Posed by Synthetic Drugs, 18 December 2023 (A/RES/78/131)

## Previous Attempts to solve the Issue

### Oregon drug decriminalisation

The legalisation of drugs in the United States is different depending on each state's laws. Some states have legalised recreational possession and use of marijuana, such as California, New York and Ohio. Others have only legalised the use of marijuana for medical use, such as Oklahoma, Florida and Utah. States such as North Dakota, Nebraska and North Carolina have decriminalised marijuana completely. Oregon is a U.S. state where many individuals have taken advantage of the leniency on drugs. Marijuana, psychedelics and hard drugs like cocaine and methamphetamine, are legalised in this state. Instead of punishing drug users with jail time, Oregon spent millions of dollars on treatment centres for them. Although this change had intentions to be a new model for a better drug policy around the entirety of the United States, it has not shown to be a very positive one. Many users have died from fentanyl overdose, one of the most common drugs used in this state. This hard drug is said to be the leading cause of death in Americans aged 18 to 49, with many being homeless, mentally ill or injured because of it. By decriminalising drugs in Oregon, it was predicted that less arrests would result in fewer overdoses, but this has not proven to be the result.

## Harm reduction policies

Many countries have adopted policies of harm reduction, with the main focus being public health. Switzerland is an example of incorporating harm reduction as they created treatment centres, primarily for heroin users. The country's aim was to reduce the negative effects that this hard drug had on many individuals. Since then, they have seen a reduction in overdose deaths by 50%, HIV infections have been decreased by 65% and new heroin users reduced by 80%. Individuals using drugs are significantly more prone to getting HIV, and harm reduction services are the answer to this prevalent issue. This approach is now seen globally as a step in the right direction in dealing with narcotic drugs. Other countries around the world such as Canada, India and Australia have also introduced more effective harm reduction for drug users.

## Possible Solutions

### Education on the impact of drugs in schooling

Drugs are used by many people all over the world, with many individuals starting their consumption of them from a very early age. The most commonly used drugs used by secondary school students are nicotine (through cigarettes, vaping and snus) and marijuana. Some of the reasons for this can be because of mental health issues, peer pressure or little knowledge about the negative effects that drugs have on a human being. If education systems taught students from an early age about the consequences that drugs have on humans, it could most certainly make a difference in the decisions they make in relation to drug use. Information on the production of drugs and how they are made could make students realise the dangers of these substances, steering them away from ever trying it. Additionally, if students were taught about the impact that drugs have on a human's body, they might become more aware of the consequences that drugs have on their bodies. Secondary schools and universities could consider discussing drugs and ensuring all students learn about the impact of them.

### Free healthcare after dangerous usage of drugs

In some countries it is without expense to receive healthcare services for an injury, overdose or mental issues. In cases where an individual has experienced drug overdose or harmful drug use side effects, the treatment for these issues should be free. A lot of individuals are not able to afford the expensive medicinal care that some countries have put into place. If medicinal systems such as hospitals and drug treatment centres would create free procedures for individuals, they would be more aware of the negative effects drugs have on their bodies. Doctors could explain to them the severe impact drugs have on a human's body, which could potentially make previous users of drugs less likely to use them in a dangerous manner again.

### Legalising recreational drug use

The usage of drugs is usually a personal decision which an individual makes. If the individual is using drugs safely and not for profit purposes, without harming others, the punishment of jail time could be lessened. Instead, users could receive education and treatment on the effects of drugs. However, if the individual is a major part of drug distribution, pressuring and lacing, the person could be questioned about their reasons for the acts. If one is put into jail because of innocent drug use, their entire future could be severely changed. They are at risk of ever having a job or an education after the occurrence.

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