Overview

• Why the law matters
  – The Global Commission on HIV & the Law: why good laws are needed and why bad laws need to be repealed
  – MSM, sex work, HIV transmission, drug use
• Criminalisation of drug use
  – The vital difference that harm reduction makes
  – Slow progress; mixed results
  – Increasing realisation of futility of treating drug use as a criminal, rather than a health issue
• Conclusion
  – UNGASS 2016 – an opportunity to make progress?

The Global Commission on HIV & the Law

Why the law matters

Why the law matters: MSM
Why the law matters: drug use

Harm reduction: some milestones

Harm reduction: progress slows

Recent comparative example

Uneven progress – substitution therapy

NSPs – going backwards
Opinion is changing: UNSG

“We must consider alternatives to criminalization and incarceration of people who use drugs.”
Ban Ki-moon
UN Secretary-General

Opinion is changing: UNDP

“Laws criminalizing drug use/possession of small amounts of drugs for personal use impede the access of people who use drugs to basic services such as housing, education, health care, employment, social protection and treatment.”
The UN Development Programme

Opinion is changing: UNAIDS

“Punitive laws and policies, whether via prohibiting the provision of sterile injecting equipment and opioid substitution therapy, criminalizing drug use, possession of injecting paraphernalia, or denying HIV treatment to people who use drugs, violate people’s right to health and harm the community ... Responses to HIV should transcend ideology and be based on scientific evidence and sound human rights principles; they should support, not punish, those affected.”
UNAIDS

Opinion is changing: WHO

“Countries should work toward developing policies and laws that decriminalize injection and other use of drugs and, thereby, reduce incarceration.”
World Health Organization

Opinion is changing: UNSR

“[UN] Member states should: Decriminalize or de-penalize possession and use of drugs and review law enforcement initiatives around drug control to ensure compliance with human rights obligations.”
Amand Groen
UN Special Rapporteur on the Right to Health

Opinion is Changing: Global Commission on Drug Policy

“Criminalizing people for the possession and use of drugs is wasteful and counterproductive. It increases health harms and stigmatizes vulnerable populations, and contributes to an exploding prison population. Ending criminalization is a prerequisite of any genuinely health-centered drug policy.”

Members of the former Commission include: Lord Stevens, US Senator Majority Leader Harry Reid, Canadian Prime Minister Stephen Harper, UN Deputy Secretary-General Asha-Rose Migiro, and UN Secretary-General Ban Ki-moon.
Opinion is changing: IAS

“Decriminalise drug users, scale up evidence-based drug dependence treatment options and abolish ineffective compulsory drug treatment centres that violate the Universal Declaration of Human Rights.”

Conclusion: UNGASS 2016 – an opportunity for a new direction?

• Pressed by drug war–fatigued Latin American leaders, the UN General Assembly plans to hold a review of the drug control system April 19–21, 2016, in New York City.

• The United Nations General Assembly Special Session, or UNGASS, is a meeting of UN member states to assess and debate global issues.

• The last time a special session on drugs was held, in 1998, its focus was the total elimination of drugs from the world. Today, political leaders and citizens are pushing to rethink that approach.

• International debates on drugs are rarely more than reaffirmations of the established system. But 2016 may be different...