



Drugs policy and human rights in the United Kingdom

Information from the United Kingdom Government regarding the implementation of Human Rights Council Resolution A/HRC/28/L.22: *Contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem 2016*

Introduction

The United Kingdom is delivering a modern, balanced and evidence-based drug strategy which is fully compliant with our human rights obligations and the UN drug conventions. Domestically, our approach respects human rights with guaranteed access to treatment, measures to reduce the negative consequences of drug use and proportionate enforcement responses. There are positive signs that this approach is working. There has been a long-term downward trend in drug use in the United Kingdom, and an increasing number of individuals are recovering from their dependency. We also promote human rights in our international efforts to tackle the world drug problem, including opposing the use of the death penalty in all circumstances as a matter of principle.

The United Kingdom's experience demonstrates that an effective drug policy which respects human rights can be delivered within the existing international framework. We will continue to work with partners to promote the benefits of a modern, balanced and evidence-based approach to drugs, including at the UN General Assembly Special Session on the world drug problem 2016.

Treatment

Ensuring access to a wide range of evidence-based treatment options is essential to respecting the human rights of people who are dependent on drugs. In the United Kingdom, dependent drug users have access to a variety of services which are tailored to their individual circumstances in order to protect their health and support them in tackling their dependence. As with any healthcare in the United Kingdom, citizens' rights to treatment and support for drug problems are enshrined in the National Health Service constitution. Treatment is available for all and is free at the point of delivery.

People who could benefit from specialist drug treatment can be referred for treatment by healthcare and other agencies, including law enforcement, or can refer themselves.

Psychosocial support helps people who are dependent on drugs to tackle their problems. In the case of people who are dependent on heroin and other opioids, Opioid Substitution Treatment is available to help people move towards recovery, and to retain them in treatment so that they can derive the full benefit of psychosocial support. Treatment is available in a variety of settings according to the needs of the individual: community treatment, residential rehabilitation and hospital in-patient.

The extensive coverage of needle and syringe programmes has greatly protected injecting drug users from the risk of catching HIV. Services are also able to distribute foil to people who inject heroin and other drugs as part of structured efforts to get individuals into treatment and towards recovery. By facilitating the smoking rather than injecting of drugs, this reduces a number of the risks associated with injecting drug use.

Alongside support to tackle dependence, people in treatment benefit from other interventions. As appropriate to the needs of the individual, these may include testing and/or treatment for blood-borne viruses, sexual health services, mental health services, family support, and help with securing accommodation and employment.

There are positive signs that this approach is working: more people are recovering from their dependency now than in 2009/10, and the average waiting time to access treatment has now fallen even further to three days, with almost all (98%) waiting no more than three weeks.

Proportionate Enforcement

The United Kingdom takes a proportionate approach to supply reduction which is consistent with our human rights obligations, and allows police and prosecutors to take into account the circumstances of the offence and of the offender, with due regard to the public interest. While those trafficking and supplying drugs face tough sanctions, there are a range of proportionate enforcement options for dealing with low level drug offenders.

For instance, for cannabis and khat possession we use a three-step escalation process, whereby police officers can choose not to arrest but instead apply warnings and fines to first and second time offenders. For possession of any drug, officers are able to use their discretion to issue a caution, if appropriate, rather than taking the individual to court.

Many police forces in the United Kingdom also administer 'liaison and diversion' schemes. These ensure that dependent drug users with mental health issues or other vulnerabilities who come into contact with the criminal justice system get the support they need.

These proportionate measures mean that the vast majority of people caught in possession of an illegal drug are not imprisoned, with only 3% of offenders found guilty of a drug possession offence last year being sentenced to immediate custody.

The United Kingdom is also taking action against gang crime, including drug dealing, by targeting support in the areas that need it most to reduce offending and protect vulnerable young people. Support includes safeguarding women and girls associated with gangs, who are particularly at risk of sexual violence, as well as helping young people enter employment, training or education. We have also funded specialist mental health training for professionals in London to help them spot the signs of mental and emotional trauma among gang members.

The courts have a variety of sanctions which can be applied depending on the circumstances of each case. These include fines, requiring offenders to serve their local community and, in the more serious cases, imprisonment. The judiciary is supported in its decisions with robust sentencing guidelines. These promote consistent sentencing while maintaining judicial independence.

International Assistance

The United Kingdom is active across the globe in providing security and justice assistance to international partners. We have considerable experience and expertise to offer other countries in strengthening institutions such as the police and judiciary and tackling the international drugs trade. Better security sector and justice systems overseas have a positive impact not only for the citizens of the country in question but for the interests of the United Kingdom.

It is important that we work with a wide range of countries and this includes some countries where we have concerns about human rights. It is of fundamental importance that the United Kingdom's work on security and justice overseas is consistent with our international human rights obligations.

As such, we have implemented a clear and robust framework - the Overseas Security and Justice Assistance Guidance – to assess and monitor the impact of bilateral and multilateral overseas engagement. This enables us to assess, comprehensively and in a structured way, the risk attached to our international activity. Once in place our Overseas Security and Justice Assistance is subject to continual review to ensure that our values and human rights obligations are safeguarded.

Death Penalty

The United Kingdom opposes the use of the death penalty in all circumstances as a matter of principle, and does not provide criminal justice, or other assistance, which may result in the death sentence being applied. The death penalty limits international cooperation on drugs.

Existing UN safeguards stipulate that the death penalty may be applied – exclusively – to the “most serious crimes”. We do not believe this to include non-lethal crimes such as drugs offences. There is no evidence that the death penalty acts as a deterrent to drug-related crime. It is both inappropriate and ineffective.

In view of the growing worldwide trend towards abolition of the death penalty, we urge all Member States to consider imposing a moratorium on the use of the death penalty, as a step on the way towards its final abolition.