

Singapore's Contribution to the Study on Arbitrary Detention Relating to Drug Policies

Singapore notes the request by the United Nations Working Group on Arbitrary Detention for the contribution of information to its study on arbitrary detention relating to drug policies. We share the Working Group's resolve that all policies, including drug policies, should not result in undue deprivation of liberty.

2 We are pleased to share with the Working Group Singapore's comprehensive approach to combat drug-related crimes, which operates within our criminal justice system.

Overview of Singapore's Approach to Drug-related Crimes

3 Singapore firmly believes that every person has the right to live in an environment free of drug abuse. Drug abuse is fundamentally harmful and incurs severe consequences not just for the drug abuser, but his family, and the community at large as well.

4 Singapore adopts a comprehensive 'harm prevention' strategy which comprises three prongs:

- a) Preventive Drug Education;
- b) Tough Laws and Robust Enforcement; and
- c) Evidence-based Rehabilitation and Aftercare.

5 We have made provisions for drug rehabilitation in our legislation because we believe that a responsible government has to protect the rights of its citizens to live in an environment free of drug abuse, even while preserving the rights of the drug abuser. "Given the universal ethical norm that health is a basic human right (e.g. WHO, 2019a:9), the harm prevention approach deems rehabilitation as a fundamental right of people who are affected by substance use disorder. Accordingly, from the perspective of the harm prevention approach, denying rehabilitation to persons affected by an illness - such as substance use disorder or dependence syndrome - that impairs his/her ability to make decisions on his/her own welfare, is a violation of that person's right to health".¹

Drug Trends

6 In 2019, there were 3,524 drug abusers arrested in Singapore. This works out to 88 drug abusers per 100,000 residents. This is a considerable improvement from the 208 drug abusers per 100,000 residents recorded about two decades ago in 1994 and is

¹ Professor Stella Quah (Ph.D), Adjunct Professor, Health Services and Systems Research, Duke-NUS Medical School, Singapore. "From Harm Reduction to Harm Prevention: A Cross-national Comparison of Eleven Countries" in the Home Team Journal Special Issue, Jan 2020.

testament to the effectiveness of our approach. The recidivism rate for the Drug Rehabilitation Centres inmates was 28.1% for the 2017 cohort.²

Abuse by Drug Type

7 Methamphetamine, heroin and New Psychoactive Substances (NPS) were the three most commonly abused drugs in 2019 in Singapore, with 93% of drug abusers abusing at least one of these three drugs. For new drug abusers, methamphetamine, NPS, and cannabis were the three most commonly abused drugs, with 92% of those arrested abusing at least one of these three drugs.

Singapore's Drug Control Strategy: Harm Prevention

Comprehensive Rehabilitation Programmes

8 In Singapore, we believe that people who abuse drugs should be positively influenced to change, through purposeful interactions and intervention programmes. This requires the collaborative efforts of multiple stakeholders, such as community partners and the drug abusers' families, to reinforce the message of hope and guide them towards lives free from drugs.

9 Our drug rehabilitation intervention, which is a key pillar of our harm prevention approach, entails a mandatory programme, which includes tailored support (e.g. counselling, skills training, and job matching) to aid their eventual reintegration into society.

10 Drug rehabilitation is mandated because we believe that substance use disorder or dependence syndrome limits the ability and capability of the drug abuser to stop drug consumption on their own. External help is thus required, to help them recover from their addiction. A professional assessment by the Singapore Prison Service's Psychological and Correctional Rehabilitation Division, led by experienced psychologists, is undertaken to ensure that they are fit and able to undergo rehabilitation.

11 In 2019, we enhanced the rehabilitation regime by taking a more calibrated approach and distinguishing between abusers who only consume drugs and those who had concurrently committed other offences such as drug trafficking, robbery and assault. Adult drug abusers who do not face criminal charges for other offences will be channelled directly to the relevant rehabilitation pathway. Those facing other criminal or drug charges will be prosecuted in court. However, they will continue to receive the necessary treatment while under incarceration.

² Recidivism rate is defined as the percentage of local inmates (i.e. Singapore Citizens and Permanent Residents) detained, convicted and imprisoned again for a new offence within two years of their release.

Low-risk abusers

12 First time low-risk adult abusers will be placed on the Enhanced Drug Supervision Order (EDSO), a non-custodial supervision order. The EDSO includes casework and counselling components which are delivered by social workers. A case manager is assigned to each abuser, to provide support to them and their family.

Moderate or high-risk abusers

13 First-time abusers who are assessed to be of moderate- or high-risk of further abuse, and repeat drug abusers will go through the rehabilitation regime at the Drug Rehabilitation Centre (DRC).

14 Within the DRC, the drug abuser undergoes a drug treatment programme that is calibrated according to his risk profile and rehabilitative needs. The programme includes:

- **Psychology-based Correctional Programmes (PCPs):** These directly address and mitigate the drug abuser's addiction issues by educating him on the costs of drug use, developing his emotions regulation skills, and equipping him with relapse prevention skills;
- **Family programmes:** These programmes assist to increase the drug abuser's knowledge, skills, and confidence in maintaining ties and building stronger relationships with their family members and this in turn improves the overall support given to the drug abuser by his family members; and
- **Employability skills training:** This aims to upskill the abuser and this in turn improves his employability.

15 Collectively, these programmes help the drug abuser in his rehabilitation and reintegration into society upon his release from the DRC.

16 After completing their interventions in the DRC, drug abusers can be placed on Community-Based Programmes (CBP) where they are placed in the community under supervision. Some examples are the Home Detention Scheme, Halfway House Scheme, Work Release Scheme and Mandatory Aftercare Scheme. After this community-based supervision ends, they are placed under the supervision of the Central Narcotics Bureau (CNB) which works with after-care service providers to continue providing support, such as counselling, to the abusers.

Differentiated Approach for Young Abusers

17 Singapore adopts a differentiated rehabilitation approach for young abusers (below 21 years old), customised based on their risk profile, with a strong focus on

counselling and, where applicable, that minimises the disruption to their education or work:

- a) Low-risk young abusers will be placed on the Youth Enhanced Supervision (YES) Scheme which consists of counselling and a casework component delivered by Social Service Agencies (SSAs). Youth abusers undergo individual, group-based and family sessions aimed at motivating them to stay away from drugs and equipping them with relapse-prevention skills. Emphasis is also placed on the involvement of the young abusers' parents during family counselling sessions, as local evidence shows that family support is critical in the young abusers' rehabilitation.
- b) Moderate-risk young abusers will be referred to the Community Rehabilitation Centre (CRC) to receive drug intervention in a residential setting. At the CRC, casework and counselling services are provided to the youth to support him in his efforts to desist from further drug addiction, reject negative influences, be resilient, and re-integrate back into the community. Attention is also focused on helping the youth and his family strengthen their relational bonds.

The CRC setting allows these youths to continue with their education or employment in the day, with the casework and counselling sessions taking place at the centre after work or school. This arrangement seeks to minimise disruption to their daily life.

After a period of stay in the CRC, the youth will be emplaced on Home Leave. During this phase, he can put into practice the skills and learning he had acquired at the CRC, while continuing to receive support to maintain and hone the skills needed to resist falling back into drug addiction.

- c) High-risk young abusers will undergo treatment and rehabilitation in the DRC.

Harm Prevention Works in Singapore's Context

18 Singapore does not employ a 'harm reduction' strategy. We note that harm reduction programmes are typically adopted by countries which have a large number of HIV positive intravenous drug users. These countries are focused more on minimising further costs from HIV and other blood-borne infections than on preventing drug use because they have reached a tipping point where drug use is pervasive.

19 Singapore does not have such a problem. According to the Ministry of Health's latest report in 2019 on Singapore's HIV situation, there was only one case of HIV transmission via intravenous drug use reported in 2018 and none for the first half of 2019. The low HIV infection rate among intravenous drug users in Singapore and the fact that our HIV and intravenous drug use situation is well contained show that our strategies are working well and addressing the drug problem at its roots. This is also indicative of the effectiveness of our 'harm prevention' policy.

Private Drug Treatment

20 Other than the aforementioned rehabilitation programmes, drug abusers can seek private drug treatment voluntarily. The National Addictions Management Service (NAMS) offers private voluntary drug treatment. A multidisciplinary team of specialists, comprising psychiatrists, psychologists, counsellors, medical social workers and nurses provide voluntary treatment for general addictions, including but not limited to drug abuse.

21 Services provided by NAMS include assessment and treatment of addictions, individual, group and family therapy, public education talks, training for healthcare and social service professionals, and community liaison to develop services and programmes.

22 Another private drug treatment facility is provided by WE CARE, a community-based addiction recovery centre which employs a holistic approach to help abusers live addiction-free lives. A structured therapy programme with counselling is provided by trained addiction specialists.

Fairness and Impartiality of Singapore's Criminal Justice System

23 Singapore's laws are interpreted and applied by an independent Judiciary. There is a culture of respect for the law, and trust that the law will be impartially enforced. There is no tolerance for corruption, wherever it occurs. Singapore has consistently ranked highly on the World Justice Project's Rule of Law Index. In the 2020 iteration of the Index, Singapore was ranked 6th globally for Criminal Justice, and 5th for the sub-factor of having a corruption-free criminal system.

24 Singapore condemns and does not tolerate torture and other cruel, inhumane or degrading treatment or punishment in various forms. Law enforcement agencies, including the Central Narcotics Bureau, have strict guidelines governing the conduct of their officers, and complaints about the conduct of their officers are taken very seriously and investigated thoroughly.

25 The arrest and detention of a person accused of any offence, including a drug-related offence, is governed by statutory provisions. An arrested person must be released on bail, personal bond or written order, or brought before a Magistrate within

48 hours. Any further detention is not allowed without a Magistrate's authority. Where decisions are made to prosecute persons in court, they are expeditiously served with the charges. This applies regardless whether the offence is drug-related or not.

26 For persons arrested for committing a criminal offence, including drug offences, he or she is held in pre-trial detention when bail is not offered,³ or when bail is offered but the person cannot raise bail. There is a legal framework governing whether bail is to be offered or not. Applications can be made to the High Court under Section 97 of the Criminal Procedure Code, either for the grant of bail or the variation of the quantum set as bail. The Courts and the criminal justice system as a whole take appropriate measures to avoid delay in cases where the person is held in pre-trial detention.

27 A person charged with an offence, whether drug-related or not, will be accorded due process before the Judiciary. An accused person may engage a lawyer to defend himself, regardless of whether the offence is drug-related. An accused person dissatisfied with his conviction or sentence can appeal against it.

Legal Aid

28 In Singapore, criminal legal aid is available for persons of limited means who cannot afford their own lawyers:

- a) The Law Society's Pro Bono Services (LSPBS) runs the Criminal Legal Aid Scheme (CLAS), which receives Government funding to provide criminal legal aid for non-capital cases. CLAS covers offences under 16 statutes, including the Misuse of Drugs Act. Applicants must pass the means test and the legal merits test.
- b) All persons facing capital charges, including for drug-related offences, are offered legal representation under the Supreme Court-administered Legal Assistance Scheme for Capital Offences (LASCO). There is no eligibility criteria, in particular, no means testing is applied.

29 In addition, the Community Justice Centre (CJC) was launched in March 2013 to enhance access to justice by helping unrepresented litigants who may be daunted by court processes and procedures. Through various collaborations with stakeholders, the CJC has served unrepresented litigants through various initiatives and programmes. Amongst these are the On-Site Legal Advice Scheme (OSLAS) and Enhanced Guidance for Plea Scheme (EGPS).

³ This usually arises where the accused is likely to abscond while on bail, or reoffend, or tamper with witnesses.

On-Site Legal Advice Scheme

30 Launched in September 2014, the CJC's OSLAS provides unrepresented litigants timely legal guidance to make informed decisions regarding their legal matters and to help them manoeuvre through the judicial system. Located within the State Courts and the Supreme Court, unrepresented litigants can walk into CJC to receive a free session of legal advice and assistance from an on-site experienced volunteer lawyer. Since inception, the OSLAS has provided legal assistance to more than 26,000 people.

Enhanced Guidance for Plea Scheme

31 Administered by the CJC, a pool of senior criminal lawyers offers legal advice on a pro bono basis to unrepresented accused persons who did not qualify for the Law Society Criminal Legal Aid Scheme (CLAS) and may not be aware of criminal court processes. Under the EGPS, a lawyer would assist unrepresented accused persons to navigate through the criminal justice process by clarifying the viability of their defence(s) and providing legal advice on what would be the best course of action. For some cases, the EGPS lawyer may represent the accused in court proceedings, submit representations to the Attorney-General's Chambers, and/or prepare submissions for the Court. Sometimes, EGPS lawyers also assist the Courts in ad-hoc situations where the Courts identify appropriate cases in need of immediate legal assistance.

Other Forms of Assistance

32 Beyond legal aid schemes, the Government also works closely with the legal fraternity and a rich landscape of community, religious and voluntary welfare organisations to provide legal assistance to persons in need. For instance, there are voluntary welfare organisations in Singapore that offer legal help, such as the Humanitarian Organisation for Migration Economics (HOME) and the Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People (ACMI).

33 Persons convicted of any offence, whether drug-related or not, may be considered for early release from their sentence and for clemency.

Conclusion

34 The harm prevention approach has worked well for Singapore. There is no one size fits all approach and States must be given the flexibility to implement an approach that works best for them.