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# AUSTRALIAN PARLIAMENTARY GROUP FOR DRUG LAW REFORM & AUSTRALIAN DRUG LAW REFORM FOUNDATION E-NEWSLETTER – AUGUST 2009

## About the Groups

### **The Australian Parliamentary Group on Drug Law Reform**

The Australian Parliamentary Group on Drug Law Reform (APGDLR) is a cross party group of 100 MP's from our State and Commonwealth parliaments. The group was set up in 1993 after a meeting in Canberra convened by Michael Moore (ACT Assembly) and Ann Symonds (MLC, NSW).

### **The Australian Drug Law Reform Foundation**

The Australian Drug Law Reform Foundation was established in 1994 when a significant number of people in the community endorsed the Charter for Reform that had been developed by the Parliamentary Group.

The Charter for Reform sets out a series of principles that seek to encourage a more rational, tolerant and humanitarian approach to the problems created by drugs and drug use in Australia.

The APGDLR and the ADLRF meet at least once a year to hear from experts in the field, to share information about what is happening in our jurisdictions and to plan future work. The group also produces occasional newsletters on issues relating to drugs in Australia and international developments.

If you would like more information about the Parliamentary Group or the Foundation or would like more information please contact Dr Mal Washer MP 02 6277 2114 or email [Mal.Washer.MP@aph.gov.au](mailto:Mal.Washer.MP@aph.gov.au) or Penny Sharpe MLC on 0292302741 or email [Penny.Sharpe@parliament.nsw.gov.au](mailto:Penny.Sharpe@parliament.nsw.gov.au)



The **5th Australasian Drug Strategy Conference (5th ADSC)** is **being held from 8th to 11th March, 2010** at the **Melbourne Convention Exhibition Centre** and will deal with how alcohol and drugs have a significant and dramatic impact across all aspects of the community.

The **Australasian Drug Strategy Conference (ADSC)** was first held in 1999 and is now recognised as Australasia's pre-eminent law enforcement drug strategy conference. Being held every two to three years, the conference attracts hundreds of delegates and international speakers.

This **5th ADSC** conference will provide an important opportunity to hear and learn from a full range of law enforcement, justice, customs, health, academic and community agencies. Naturally, this will also be an opportunity for all Australasian Agencies to showcase their latest innovations.

Please visit the [conference website](#) for more information regarding the conference program and important dates.

We look forward to welcoming you to Melbourne, Victoria for the *5th Australasian Drug Strategy Conference* in March 2010.

[www.adsc2010.com](http://www.adsc2010.com)

Elizabeth Cuffe, Carillon Conference Management, P 61 7 3368 2644, F 61 7 3369 3731, E [liz@ccm.com.au](mailto:liz@ccm.com.au),

**Prevention of alcohol-related harms in Victoria's Koori communities: Research, policy, practice and Indigenous ways of working**

The Australian Drug Foundation's (ADF) DrugInfo Clearinghouse will be hosting a free interactive seminar and forum on Thursday 3 September 2009, in Melbourne. The seminar will provide an overview of the issues relating to alcohol within Victoria's Aboriginal communities as detailed in the *DrugInfo* newsletter and *Prevention Research Quarterly*—"Prevention of alcohol-related harms in Victoria's Koori communities". An academic perspective on research and policy will highlight the needs that exist in

developing a responsive service sector that is driven by the leadership and guidance of Aboriginal service providers. The seminar will also present a series of case studies highlighting the issues faced by urban and regionally-based services that work with Aboriginal communities, to provide insight into "on the ground" service provision, rehabilitation and resources.

### *Program*

10.00 am to 12.30 pm (registration & refreshments from 9.30 am)  
Thursday 3 September 2009  
[Aborigines Advancement League](#)  
2 Watt Street, Thornbury, Victoria.

Presenters include:

- Glenn Howard, Ngwala Willumbong Co-operative Ltd
- Professor Ian Anderson, Onemda VicHealth Koori Health Unit
- Karen Milward, author of the "[Prevention of alcohol-related harms in Victoria's Koori communities](#)" [PDF: 1.3MB] issues paper.

### *Bookings*

Places are strictly limited, so you are advised to book early. Bookings close at 4.00 pm on Thursday 27 August 2009.

## **CHAIR OF APGDLR VISITS MEDICALLY SUPERVISED INJECTION CENTRE – SYDNEY**

On 5<sup>th</sup> June 2009 Dr Mal Washer Co-chair of the APGDLR visited the Medically Supervised Injecting Centre (MSIC) in Kings Cross in Sydney. Dr Washer believes that the MSIC is still misunderstood by some people so he took the opportunity of visiting the Centre and holding discussions with Dr Marianne Jauncey, the Medical Director of that facility. Dr Washer said "I was impressed with the dignity and respect which was shown by the staff to people using the centre. The issues related to the MSIC are not party political but a matter of public health." In discussions Dr Washer learned that the numbers of ambulances called out to drug overdose incidents in the area has decreased by 80%; the majority of local businesses are supportive of the centre, as are the majority of local residents; the Centre has in no way attracted either drug users or drug suppliers to the area. In fact police data show that crime in Kings Cross has actually reduced since the MSIC opened, particularly theft; and people are more confident. There is also evidence that the number of needles left lying around in public places has been vastly reduced. Funded entirely by the confiscated proceeds of crime, the activities of the MSIC have been repeatedly shown to be cost effective, and all this indicates that the trial period for the MSIC should end and the Centre accepted and supported by all political parties."

Dr Washer also held discussions with Rev Harry Herbert, the Executive Director of Uniting Care which oversees the operations of the MSIC, and Ms Ann Symonds a long time advocate of harm minimisation programs.

## **International News**

*from the transform (uk) JULY newsletter*

Death Penalty for drug offences should be abolished

The death penalty for those convicted of drug trafficking and other drug-related offences should

be abolished as it is both ineffective as a policy measure and a violation of human rights'

The August addition of *Addiction* journal includes an article which argues that the death penalty is not an effective deterrent for drug offences and is an inappropriate response to drug offences. There is no credible evidence that the death penalty deters serious crime in general more effectively than other punishments.

The editorial calls for addiction specialists to speak out against the use of the death penalty for drug trafficking, and the authors have circulated a copy to the editors of 45 other academic journals in the addiction field.

More on the story can be found [here](#).

### **Bolivia - Amendment against coca chewing**

In March 2009, Evo Morales sent his [formal request](#) to the Secretary General Ban Ki Moon to delete articles 49(c) and 49(e) of the 1961 UN Single Convention that explicitly mention that "coca leaf chewing must be abolished with twenty-five years from the coming into force of this Convention" (which happened in December 1964). The request will be discussed on Thursday, 30 July, at the annual meeting of the [UN Economic and Social Council](#) (ECOSOC). More can be read [here](#).

### **Mark Easton in Portugal**

Mark Easton (BBC Home Affairs Editor) visited Portugal this month, to report on their decriminalisation 'experiment' which has now been in effect for 8 years. In Portugal the purchase, possession and use of any previously illegal substance is no longer considered to be a criminal offence, rather it is viewed as a health problem.

Mark's overall findings were that the policy has been an overwhelming success ([similar to the findings of the CATO Institute](#)) and that scare stories which suggested that Portugal would become a drug haven have been unfounded. He noted that drug deaths, and HIV infection rates amongst drug users have fallen and that overall drug consumption appears to be stable or down (the Governments statistics suggest a fall of 10%).

More on the story can be read [here](#) and the video is well worth a view.

Transform Volunteer Dominic Bond has written a review of the changes that have taken place in Portugal which can be read [here](#).

### **HOW TO STOP THE DRUG WARS**

A very informative article appeared in the March 5<sup>th</sup> 2009 issue of *The Economist*. The article titled *Prohibition has failed; legislation is the least bad solution*. The article explores the historical context since 1909 and the political and social context in which decisions are made. The article concludes as follows:

*"A calculated gamble, or another century of failure?"*

This newspaper first argued for legalisation 20 years ago (see [article](#)). Reviewing the evidence again (see [article](#)), prohibition seems even more harmful, especially for the poor and weak of the world. Legalisation would not drive gangsters completely out of drugs; as with alcohol and cigarettes, there would be taxes to avoid and rules to subvert. Nor would it automatically cure failed states like Afghanistan. Our solution is a messy one; but a century of manifest failure argues for trying it."

The complete article can be viewed [www.economist.com/opinion/displaystory.cfm?story\\_id=13237193](http://www.economist.com/opinion/displaystory.cfm?story_id=13237193)

The following material has been supplied by Dr Alex Wodak,

The following historic statements deserve widespread dissemination and consideration

The following text is paragraph 19 of a resolution passed on 27 July 2009 by ECOSOC (***The Economic and Social Council***)

ECOSOC is above CND in the UN system. So the failure of the Political Declaration which emerged from the CND meeting in Vienna in March 2009 minus any reference to harm reduction is now irrelevant.

Paragraph 19 reads:

*'Recognizes the need for UNAIDS to significantly expand and strengthen its work with national governments and to work with all groups of civil society to address the gap in access to services for injecting drug users in all settings, including prisons; to develop comprehensive models of appropriate service delivery for injecting drug users; to tackle the issues of stigmatization and discrimination; and to support increased capacity and resources for the provision of a comprehensive package of services for injecting drug users including harm reduction programmes in relation to HIV as elaborated in the WHO/UNODC/UNAIDS: Technical Guide for countries to set targets for Universal Access to HIV prevention, treatment and care for injecting drug users, in accordance with relevant national circumstances;'*

Text of the Economic and Social Council resolution E/2009/L.23 adopted by the Council on 24 July 2009:

**Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (UNAIDS)**

*The Economic and Social Council, Recalling its resolution 2007/32 of 27 July 2007*

This should also be interpreted together with paragraph 16 of a statement by UN Secretary General Ban Ki-Moon on 7 May 2009:

In addition to criminalizing HIV transmission, many countries impose criminal sanctions for same-sex sex, commercial sex and drug injection. Such laws constitute major barriers to reaching key populations with HIV services. Those behaviours should be decriminalized, and people addicted to drugs should receive health services for the treatment of their addiction.

'For example, in Eastern Europe, people who inject drugs represent more than 80 per cent of all people living with HIV but account for less than 25 per cent of those receiving antiretroviral treatment.'

Progress made in the implementation of the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS

Report of the Secretary-General Ban Ki-Moon 7 May 2009

*Race, inequality and cannabis arrests NYC 2008*

This is an article worth reading.

[http://www.alternet.org/drugreporter/141866/the\\_epidemic\\_of\\_pot\\_arrests\\_in\\_new\\_york\\_city/?page=entire](http://www.alternet.org/drugreporter/141866/the_epidemic_of_pot_arrests_in_new_york_city/?page=entire)

***This piece was published on crikey.com on 26<sup>th</sup> June 2009***

***An industry insider's review of The Wire***

**The Wire** is a 60 part television series set in Baltimore, Maryland. Originally broadcast in the USA over five seasons on HBO, the series is now available on DVD and will be broadcast in Australia from August on ABC2. **The Wire** is compulsive watching.

The title refers to wiretaps used extensively by the police in this series to gather evidence on drug traffickers. Wiretaps also seem to be used in this series as a metaphor for the discovery of truth by outsiders in complex situations.

David Simon, largely responsible for the project, rightly describes this work as a "visual novel". It is by television standards exceptionally dense and rich. Many consider this series to be one of the finest fictional works ever created for television. **The Wire** is developing an international cult status. President Obama named **The Wire** as his favourite television show and even identified his favourite character.

Each season focuses on a major Baltimore institution: the drug trade, the port, the city government, the school system and the local major newspaper (The Baltimore Sun). The drug trade is represented as the only vibrant economy in the series. There are few other employment options or methods of exit for the young black people we meet trapped in these depressed ghettos. One of the drug traffickers comments "you play or you is played". This approach seems to be common to all the areas of life we see in Baltimore.

Vast capital accumulated from the drug trade is later recycled through major building developments. This is only possible because of the pervasive corruption which links all the affected institutions: the law, politics and government administration. The deeply compromised nature of the institutions contrasts with the valiant attempts of some individuals in all of these institutions to behave honourably despite the circumstances.

The series is enriched by being set in a particularly local framework of Baltimore. But the distinctiveness of this grim setting also helps to provide a greater universality. Baltimore, one of the twenty largest cities in the USA, is today a faded reminder of its more glorious past. It has one of the highest homicide rates of any US city. Baltimore is a poor, predominantly black city. Unusually for US television, most of the actors are black. As this series shows, Americans pay a very high price for living in such an unequal society.

David Simon was previously a police reporter on the **Baltimore Sun**. His co-writer, Ed Burns, was a former homicide detective in the Baltimore Police Department. This ambitious project required the assistance of a vast number of individuals. A striking feature is the astonishing authenticity of the drug traffickers, union officials, police, city government, school system and the newspaper industry. The creators received a lot of expert advice from diverse sources. The screenplay and acting are outstanding.

Kurt Schmoke, a highly regarded former Mayor of Baltimore for a decade from the late 1980s, was one of the advisors. Schmoke plays a small part in the third season as Health Commissioner advising the mayor to accept drug law reform.

I met Schmoke while he was Mayor soon after he had become the first significant US politician to publicly denounce the War on Drugs as a failed and futile policy. It has taken 20 years for Schmoke's views to gain grudging and more wide-spread acceptance.

Earlier in his career, while a Maryland Attorney, Schmoke was responsible for prosecuting a drug trafficker who had murdered his best friend, a narcotics officer shot to death while raiding the drug trafficker's hide out. Schmoke had to listen again and again to his friend's wire-tap recording of the incident. This prompted him to question whether his best friend had lost his life in vain in an un-winnable war.

In this series, the irresistible force of drug law reform is obstructed by the immovable mountain of political short term-ism. Just like in real life. Opportunities for improvement in other areas in this series are also cut short. Unlike most drama created for popular audiences, this series is permeated with a rather bleak and angry pessimism. No wonder the American people in 2007 voted in large numbers for "hope" and "change

we can believe in".

The series comes highly recommended. But be warned. Watching **The Wire** is highly addictive. Alex Wodak

### **COST A BARRIER TO METHADONE TREATMENT *The Australian 17<sup>th</sup> August 2009 p.8***

The article refers to a report released by the Australian National Council on Drugs (ANCD) which indicates that the bulk of prescriptions for methadone are written by private doctors with 80% of methadone dispensed in community pharmacies. For these prescriptions patients must pay one third of the costs often resulting in expenses in excess of \$400 a month proving to be a barrier to treatment. The full report from ANCD can be viewed at the following link.



research-papers.url

## **UNITED STATES NEWS**

Statement from Speaker Pelosi:

"Sound science is an essential component of good public health policy, and the scientific support for needle exchange could not be more clear.

The Centers for Disease Control, the National Institutes for Health, the World Health Organization, and former Surgeon General David Satcher have all confirmed the scientific evidence in support of needle exchange programs. These initiatives are an effective public health intervention that reduces the number of new HIV infections without increasing the use of illegal drugs.

By lifting the ban on federal funding for needle exchange, the language in the Labor-HHS-Education appropriations bill reflects this sound science. Today's defeat of an amendment that would have reinstated the ban was a victory for science, for public health, for people living with HIV/AIDS, and for people at risk for HIV infection. As this bill moves forward, we must continue to ensure science comes first in our public health policy.

We simply cannot rest until we have done everything we can to prevent new HIV infections, including ensuring access to effective interventions such as needle exchange. We cannot rest until every person living with HIV has access to the care and medications they need to stay healthy. And we cannot rest until we have a cure."

<http://www.speaker.gov/blog/?p=1885>

Hey Progressives: Why don't you Care About the "Drug War" Like You Care about Other Issues?

**By Ethan Nadelmann, AlterNet. Posted June 12, 2009.**

If the 500,000 non-violent drug offenders in jail had white faces, would society allow it?

### **Tools**

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Also in [DrugReporter](#)

### [Legal Pot in California in 2010? "Oaksterdam" Provides the Model](#)

Don Hazen

### [No One Deserves to Die by Overdose](#)

Jill Harris

### [Khat vs. Coffee: Taxi Drivers' Wake-Me-Up or Terrorist Drug Threat?](#)

Phillip S. Smith

### [Can THC Help Some Schizophrenics?](#)

Bruce Mirken

### [Do You Know About the Narcotic Effects of Nutmeg?](#)

Ibo Nagano

### **More stories by [Ethan Nadelmann](#)**

#### *[Hey Progressives: Why don't you Care About the Drug War?](#)*

If the 500,000 non-violent drug offenders in jail had white faces, would society allow it?

#### *[Legal Pot in California in 2010? "Oaksterdam" the Model](#)*

Pot entrepreneur Richard Lee envisions a professional marijuana industry much like the one that exists in Amsterdam.

#### *[Hey Progressives: Why don't you Care About the Drug War?](#)*

The issue of over-incarceration and the overuse of the criminal justice system in America strike me as one of the most horrific violations of human rights in the United States today. What I'm also struck by is the extent to which our American exceptionalism in this regard is unknown to so many who should know.

#### *[This isn't on CNN, Afghan Refugee Describes Recent Bombings](#)*

*"Why isn't this footage on CNN or MSNBC?" "Those are questions we should be asking ourselves as we watch the powerful images of Abdullah Khan, a refugee from Afghanistan's Helmand province forced to seek shelter in an IDP camp outside Kabul".*

#### *[Legal Pot in California in 2010?](#)*

Good interview with Richard Lee, the impetus behind TaxCannabis2010.org and the founder of Oaksterdam University.

**The following is the text of [Drug Policy Alliance](#) Director [Ethan Nadelmann's](#) speech to the Momentum Plenary at the [America's Future Now](#) conference in Washington. It has been edited for length and clarity.**



The issue of over-incarceration and the overuse of the criminal justice system in America strike me as one of the most horrific violations of human rights in the United States today.

What I'm also struck by is the extent to which our American exceptionalism in this regard is unknown to so many who should know.

I'm going to throw some numbers at you:

We have increased the number of people behind bars from roughly 500,000 people in 1980 to 2.3 million today. In the U.S., we have less than 5 percent of the world's population, but almost 25 percent of the world's prisoners.

We rank first in the world in the per capita incarceration of our fellow citizens. First in the world - We are No. 1.

Keep in mind, we are not so different as people sometimes think when it comes to crime, and even drug use: Our rates of crime, apart from homicide, are not that different from other industrialized nations, and our rates of illicit drug use are somewhat higher, but not dramatically higher than these other countries.

Yet we incarcerate people at five to 10 times the rate of most other nations. We are quicker to put people behind bars when they commit an offense; we keep people behind bars for longer once they are there; and once they come out, we put our heels in their faces and keep them down for as long as we possibly can.

Keep in mind it's not just the 2.3 million people behind bars but 5 million other people under the supervision of parole and probation in the U.S. right now. We deprive them of the right to vote like no other democratic nation does; we subject them to other sanctions and discriminations like no other country; and we make it very easy for them to get sent back to prison once again.

I want this issue to be part of the progressive coalition. I want to come to next year's progressive conference and hear the issue of prisons mentioned at least once on an opening plenary. What, after all, does it mean to be a progressive in America and live in a society that has this kind of exceptionalism? What does it mean to live in a society where over 2 million of our fellow citizens are behind bars tonight?

The issue of race is an inescapable part of this -- because we know that if the color of the faces of most of the people behind bars were white and not black, the reaction of the public would be different. There's something that clicks in our heads, that somehow when you see a black or brown face, especially a young male face, behind bars, there's that element -- even among all of us who do not consider ourselves racist and believe in fighting against racism -- there's that little click that accepts that on some level.

When you're talking about economic opportunity -- and approximately 50 percent of young black men in many cities already have a criminal record, already have a better chance of going to jail than university -- you realize this is not just an issue of race or of human rights but also an economic issue.

When you look at the growing power of the prison-industrial complex in our society, when you look at the prosecutors and the police, the prison guards' unions and the private prison builders - that coalition has become a profoundly powerful and pernicious force in our society.

I saw it up front last year when we had a ballot initiative in California, Proposition 5. It would have been the most significant sentencing reform in the country's history, shifting a billion dollars per year from prison and parole to treatment and rehabilitation, reducing the state's

bloated prison population by 30,000 drug and other non-violent offenders, and saving taxpayers billions of dollars overall.

But when the district attorneys and the drug court judges and the prison guards union got together and said this has to go down, what I can tell you is that politicians from across the political spectrum in California did not ask them why. They simply complied.

The real meaning of power is when you tell an elected official to do something and he or she does it without even asking why. That's the power of the prison-industrial complex today.

I hope that we don't have to wait until January 2017 for President Barack Obama to have to give a farewell speech warning about the pernicious power of the prison-industrial complex, and the emerging homeland security industrial complex, like the speech that Eisenhower gave in January 1961 with respect to the military-industrial complex. We should not have to wait that long.

Now, what is driving this issue more than anything else is the "war on drugs." It's the presumption that the criminal justice system has to be front and center in dealing with particular drugs in our society.

We have gone from 50,000 people behind bars in 1980 for a non-violent drug law violation to over 500,000 behind bars tonight. We now lock up in America more people for violating a drug law than Western Europe locks up for all crimes -- and they have 100 million more people than we do.

#### **DrugSense FOCUS Alert #409 - Tuesday, 3 August 2009**

There are many good books available about various aspects of the War on Drugs. Short read summaries printed by newspapers are less common.

Below is a column printed this past weekend in the Financial Times Weekend Magazine.

As a 501(c)3 educational non-profit the Media Awareness Project and DrugSense seeks to educate our audience about the War on Drugs in addition to it's well known news clipping service.

It is why we post to MAP some of the best articles from web only sources like AlterNet, the Huffington Post, Reason Online and Salon items marked with Web: in the subject line. Each Friday evening we distribute our on-line DrugSense Weekly which includes the Hot Off The 'Net section. The section points to a variety web-only information - an average of about 10 links each week. Each week the current issue may be accessed at

<http://www.drugsense.org/current.htm>

The Global State of Harm Reduction e-tool is now live on the INTERNATIONAL HARM REDUCTION ASSOCIATION website.

If you want to know how many countries support harm reduction, have needle syringe programmes, have methadone or buprenorphine maintenance treatment or drug consumption rooms etc

DrugSense FOCUS Alert #406 - Friday, 24 July 2009

Thursday's front page article in the Wall Street Journal is a worthy target for your letters to the editor. The newspaper is know for printing letters in response to articles, as illustrated by The seven letters printed in response to this editorial:

<http://www.mapinc.org/drugnews/v98/n439/a04.html> Perhaps this DrugSense Focus Alert will not result in a similar boxed collection of letters but if letters are not sent the newspaper will not have good letters to select from. Sources for facts for your letter may be found at <http://www.drugwarfacts.org/> and <http://medicalmarijuana.procon.org/>

We note that the lobbyist for the California Peace Officers' Association trots out the same old propaganda. Perhaps he is not aware that HighWire Press provides links to the studies in peer-reviewed medical journals about the medicinal value of cannabinoids on an almost daily basis. HighWire Press is a division of the Stanford University Libraries. For more information see <http://highwire.stanford.edu/about/>

News items about marijuana in California may be found at <http://www.mapinc.org/find?115>

FYI this joint press statement was released today by Amnesty International, Human Rights Watch, the International Harm Reduction Association and the Anti-Death Penalty Network of Asia in advance of the International Day Against Drug Abuse and Illicit Trafficking (26 June).

### **End the Death Penalty for Drug-Related Offenses**

#### ***Joint Statement by The Anti Death Penalty Asia Network (ADPAN), of which Amnesty International is a member, Human Rights Watch and the International Harm Reduction Association***

As the International Day Against Drug Abuse and Illicit Trafficking approaches on 26 June, the Anti Death Penalty Asia Network (ADPAN), of which Amnesty International is a member, Human Rights Watch (HRW) and the International Harm Reduction Association (IHRA) call upon governments in Asia to cease applying the death penalty for drug-related offences.

There is a clear, longstanding and worldwide move toward restriction or abolition of the death penalty. Only a small minority of countries continue to implement the death penalty: in 2008, 25 countries carried out executions. ADPAN, Human Rights Watch and the International Harm Reduction Association oppose the death penalty in all cases as a violation of fundamental rights—the right to life and the right not to be subjected to cruel, inhuman and degrading punishment.

Sixteen countries in Asia apply the death penalty for drug-related offences. As many countries in the region do not make information on the death penalty available, it is impossible to calculate exactly how many drug-related death sentences are imposed. However, in Indonesia, Malaysia, Singapore and Thailand, reports indicate that a high proportion of death sentences are imposed upon those convicted of drug offences. ADPAN, HRW, and IHRA express particular concern that China, Indonesia, and Vietnam continue to execute individuals for drug offences and that some countries, such as China since the early 1990s, and Indonesia in 2008, have marked the occasion of June 26 with such executions.

Despite the executions in Asia there is no clear evidence of a decline in drug-trafficking that could be attributed to the threat or use of the death penalty. There is no credible evidence that the death penalty deters serious crime in general more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations (UN) in 1988 and updated in 1996 and 2002, concluded: "...research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole gives no positive support to the deterrent hypothesis."

UN human rights mechanisms including the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, and the UN Human Rights Committee -- have concluded that the death penalty for drug offences fails to meet the condition of most serious crime, under which the death

penalty is allowed only as an exceptional measure where there was an intention to kill which resulted in the loss of life (UN Doc, A/HRC/4/20, 29 January 2007, para 53). The UN High Commissioner for Human Rights and the director of the UN Office on Drugs and Crime have likewise expressed grave concerns about the application of the death penalty for drug offences.

Death sentences are often handed down after unfair legal processes, a problem made worse by laws, policies or practices regulating drug offences in some Asian countries. Mandatory death sentences are applied for certain drug offences in Brunei, India, Laos, Singapore and Malaysia, leaving a judge with no discretion over the sentence for defendants found guilty. Mandatory death sentences violate international standards on fair trials. Individualised sentencing is required to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life. Singapore, which has one of the highest per capita execution rates in the world, as well as Malaysia, continue to hand down death sentences to individuals alleged to be drug traffickers after trials that presume guilt, and in which death sentences are mandatory.

Confessions that have been coerced sometimes form the basis of guilty verdicts, death sentences and executions. Competent legal assistance is unavailable to many defendants, including defendants facing drugs-related charges, leaving many with little capacity to mount a defence at any stage of the proceedings.

Draconian penalties for drug offences, including the death penalty, hinder public health programmes that reduce the harm drugs may cause to individual drug users, their loved ones, communities and states. China, Malaysia and Viet Nam have recently stepped up their harm reduction programmes to reduce HIV, hepatitis C and other drug-related health and social harms. However, excessive punishments and overly repressive drug law enforcement have been shown time and again to drive target groups away from such services. The death penalty therefore not only violates the right to life of those condemned, but is actually counterproductive to efforts to reduce the harm caused by drugs.

On the occasion of UN Anti-Drugs Day 2009 ADPAN, Amnesty International, Human Rights Watch and the International Harm Reduction Association appeal to Asian governments to:

Introduce an immediate moratorium on executions with a view to the abolition of the death penalty in line with UN General Assembly resolution 62/149 and 63/168 on moratorium on the use of the death penalty;

Commute all death sentences including for drug offences;

Remove provisions within their domestic legislation that allow for the death penalty for drugs offences;

Abolish the use of mandatory sentencing in capital cases;

Publicize statistics on the death penalty and facts around the administration of justice in death penalty cases;

Use the occasion of Anti-Drugs Day 2009 to highlight public health policies that have proven effective in reducing drug-related harms.

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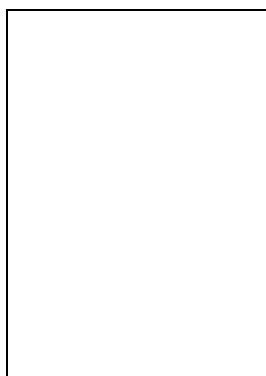
Mobile +44 (0)7872 600 907

[www.ihra.net](http://www.ihra.net)

[www.ihrablog.net](http://www.ihrablog.net)

## HR2 - Harm Reduction & Human Rights

After the War on Drugs: Tools for the debate



**After the War on Drugs: Tools for the debate** is a guide to making the case for drug policy reform. It is designed to:

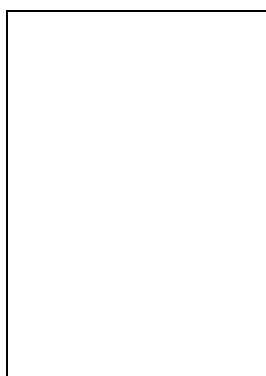
reframe the debate, moving it beyond stale ideological arguments into substantive, rational engagement

provide the language and analysis to challenge the prohibitionist status quo, and to make the case for evidenced based alternatives

[Download](#) [PDF format (colour) - 1.4 MB]

[Download](#) [PDF format (black & white) - 1.5 MB]

After the War on Drugs - Options for control



**After the War on Drugs - Options for Control** is a major new report examining the key themes in the drug policy reform debate, detailing how legal regulation of drug markets will operate, and providing a roadmap and time line for reform.

***“First Class. Everyone knows that prohibition has failed, and this report sets out, for the first time, how we can replace it.”***

**Simon Jenkins**, former editor The Times and Columnist in the Evening Standard, The Times and The Guardian

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<http://www.ihra.net/GlobalStateofHarmReduction>

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## GERMANY

HEROIN PRESCRIBING FOR DEPENDENCE NORMALIZED BY GERMAN GOVERNMENT: on 10 July 2009 the German Parliament (Bundesrat) approved the prescribing of heroin to long-term opiate dependent patients. The enabling legislation was endorsed by a majority of both major political parties following years of controversy. It reflects the favorable results of the 'pilot program' that was carried out in several of the major German cities. Eligibility to receive heroin is limited to patients at least 23 years old with five years of dependence that has not responded to other forms of treatment. Complete news article at [http://www.aerzteblatt.de/nachrichten/37302/Weg\\_frei\\_fuer\\_Heroin\\_auf\\_Rezept.htm](http://www.aerzteblatt.de/nachrichten/37302/Weg_frei_fuer_Heroin_auf_Rezept.htm);

press statement (July 10) of the Federal Drug Agency may be requested from [drogenbeauftragte@bmg.bund.de](mailto:drogenbeauftragte@bmg.bund.de)

## AUSTRALIA

### New Australian Drug Foundation resource catalogue released

Australian Drug Foundation (ADF) has just released its latest resource catalogue. The [Spring 2009 issue of the ADF resource catalogue](#) includes a couple of new resources as well as many of your old favourites. New resources include:

Moreland Hall has produced a fantastic fold out brochure called "[Drug use & mental health: Two issues in the same bag](#)" (cat no. 795) which looks at the relationship between the use of various substances and their potential impacts on mental health.

The [Straight Talk Manual](#) (cat no. 796) has been updated and now comes as a CD-ROM with over 200 pages of reproducible activities, quizzes, information and tips on issues relevant to young people. It also includes two new chapters on basic counselling skills and mental health. The "[Straight Talk Self Discovery Game](#)" is also available and complements the CD-ROM by inviting players to explore their life experiences, feelings and relationships.

The ADF resource catalogue also includes the [Stepping Stones](#) workbook which is part of [Family Drug Support's Stepping Stones to Success program](#). This program won the [2009 National Drug and Alcohol Award](#) for Excellence in Prevention and Community Education and in celebration of this win the bookshop is offering a 10 per cent discount to customers who purchase the workbook before 31 October 2009.

The ADF is also offering all DrugInfo Clearinghouse members located within Australia a single free copy of the recently updated "[Alcohol, other drugs and pregnancy](#)" booklet. To request your free copy, email your name, organisation and postal address to [druginfo@adf.org.au](mailto:druginfo@adf.org.au) or tel. 1300 85 85 84.

This updated and simplified booklet aims to answer questions about the effects of drug and alcohol use before and during pregnancy. The booklet covers a variety of legal and illegal drugs, prescribed and over-the-counter medicines. Withdrawal and drug use during breastfeeding are also discussed. This booklet is a great source of up-to-date information about the issues surrounding drug use and pregnancy and has been reviewed by experts.

Subsequent copies can be ordered through the ADF resource catalogue or online at [www.bookshop.adf.org.au](http://www.bookshop.adf.org.au).

#### [Alcohol, other drugs and pregnancy](#)

Booklet. AUS. 2009. 32pp  
(Cat no. 645) \$1.80 each

#### News and forthcoming events

Key presentations from the ADF's Thinking Drinking 3 conference held in Brisbane between 5-7 August 2009 are now available at the [ADF newsroom \(www.newsroom-adf.org.au\)](#).

The second animated film in the "Is your high getting you low?" campaign ([www.highsnlows.com.au](http://www.highsnlows.com.au)) has been released. While the first animated film looked at some of the potential effects cannabis can have on mental health, the second film encourages young people to talk to their friends about cannabis use. The film tells the story of a young girl who is concerned about her friend's cannabis use. The film is supported by a fact sheet

that offers young people advice about how to talk to friends and can be found in the website's [facts, help and information section](#).

For more forthcoming news and events, visit the DrugInfo Clearinghouse website at [www.druginfo.adf.org.au](http://www.druginfo.adf.org.au).

## FROM THE US CONGRESS

Statement from Speaker Pelosi:

"Sound science is an essential component of good public health policy, and the scientific support for needle exchange could not be more clear.

The Centers for Disease Control, the National Institutes for Health, the World Health Organization, and former Surgeon General David Satcher have all confirmed the scientific evidence in support of needle exchange programs. These initiatives are an effective public health intervention that reduces the number of new HIV infections without increasing the use of illegal drugs.

By lifting the ban on federal funding for needle exchange, the language in the Labor-HHS-Education appropriations bill reflects this sound science. Today's defeat of an amendment that would have reinstated the ban was a victory for science, for public health, for people living with HIV/AIDS, and for people at risk for HIV infection. As this bill moves forward, we must continue to ensure science comes first in our public health policy.

We simply cannot rest until we have done everything we can to prevent new HIV infections, including ensuring access to effective interventions such as needle exchange. We cannot rest until every person living with HIV has access to the care and medications they need to stay healthy. And we cannot rest until we have a cure."

<http://www.speaker.gov/blog/?p=1885>

### **ANNUAL GENERAL MEETING OF APGDLR**

**When: 12noon – 2.00pm Tuesday 27<sup>th</sup> October 2009**

**Where: Committee Room 2R1, Parliament House, Canberra ACT**

**A light lunch will be served.**

**If you would like more information please contact Dalma Dixon from Dr Mal Washer's office in Parliament House Canberra on 02 6277 2115.**

**A brief business meeting will be held to allow our guests speaker Dr Norm Stamper from the US to speak to us. More to follow in September but please keep the time free. Biographical details on Dr Stamper are included below.**

## **Norm Stamper**

NORM Stamper, Ph.D, was a police officer for 34 years. He served as chief of the Seattle Police Department from 1998 to 2000. He also served as executive director of Mayor Pete Wilson's Crime Control Commission for three years. Mr Stamper is a major proponent of significant drug law reform believing the "war on drugs" has actually been a war on people. He is one of the strongest voices in the US advocating legalisation of illicit drugs.

Norm will be in Australia in October outlining his views on drug law reform. These include:

- Regulated legalisation of all drugs would make our neighbourhoods, and our citizens, safer and healthier
- The "war on drugs" has failed and turned into a war on people costing thousands of lives and costing the US \$69 billion per year
- Sharing his approach as chief of the Seattle Police Department where several programs were set up creating new bureaus of Professional Responsibility, Community Policing and Family and Youth Protection. Within months his agency had formed one of the country's best responses to domestic violence
- An examination of the failed approach in the US with billions of dollars being wasted on federal, state and local police, courts, prosecutors, prisons, probation, parole and other punishment-related programs
- His role as an advisor to Law Enforcement Against Prohibition. LEAP is a drug law reform organisation comprising former and current police officers, US government agents and other law enforcement agents who oppose the war on drugs. LEAP believes legalised regulation is the only ethical and efficient way to undo the damage caused by the war on drugs.

## **ADLRF**

Norm Stamper's visit is sponsored by the Australian Drug Law Reform Foundation (ADLRF). The ADLRF is an incorporated non-profit organisation which promotes open debate on drug policy and provides information on alternatives which reduce the harm, social costs and personal tragedies caused by illicit drug use.

It exists to encourage a more rational, tolerant and humanitarian approach to the problems created by drugs and drug use in Australia.

The primary objectives of the ADLRF include the urgent adoption of drug policies based on strategies of harm minimisation throughout Australia.

The ADLRF believes that changing public opinion will require a sustained campaign to correct much of the misinformation which persists on drug issues.

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**Dr Mal Washer MP (02 6277 2114) and Julia Irwin MP (02 6277 4300)**  
**Parliament House, Canberra – Co-Chairs, Australian Parliamentary**  
**Group for Drug Law Reform**

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