

Drug Policy: Regional trends in Asia

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- A global network of 190+ NGOs
- Working to amplify and strengthen a diverse global movement to repair the harms caused by punitive drug policies and promote just responses
- Facilitating civil society engagement in drug policy debates

The current UN drug conventions

- 1961 UN Single Convention on Narcotic Drugs -> plant-based substances
- 1971 UN Convention on Psychotropic Substances -> synthetic drugs
- 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances -> tackling an ever-growing illegal market



The current UN drug conventions

- Fundamental objective to protect the “health and welfare of mankind”:
 1. Prohibit supply and demand of drugs for non-medical purposes
 2. Promote access for scientific and medical purposes
- “Vienna consensus”: quasi-universal adherence to the conventions
- Widely interpreted as a “war on drugs”

Extremities of punishment in Asia

Death penalty

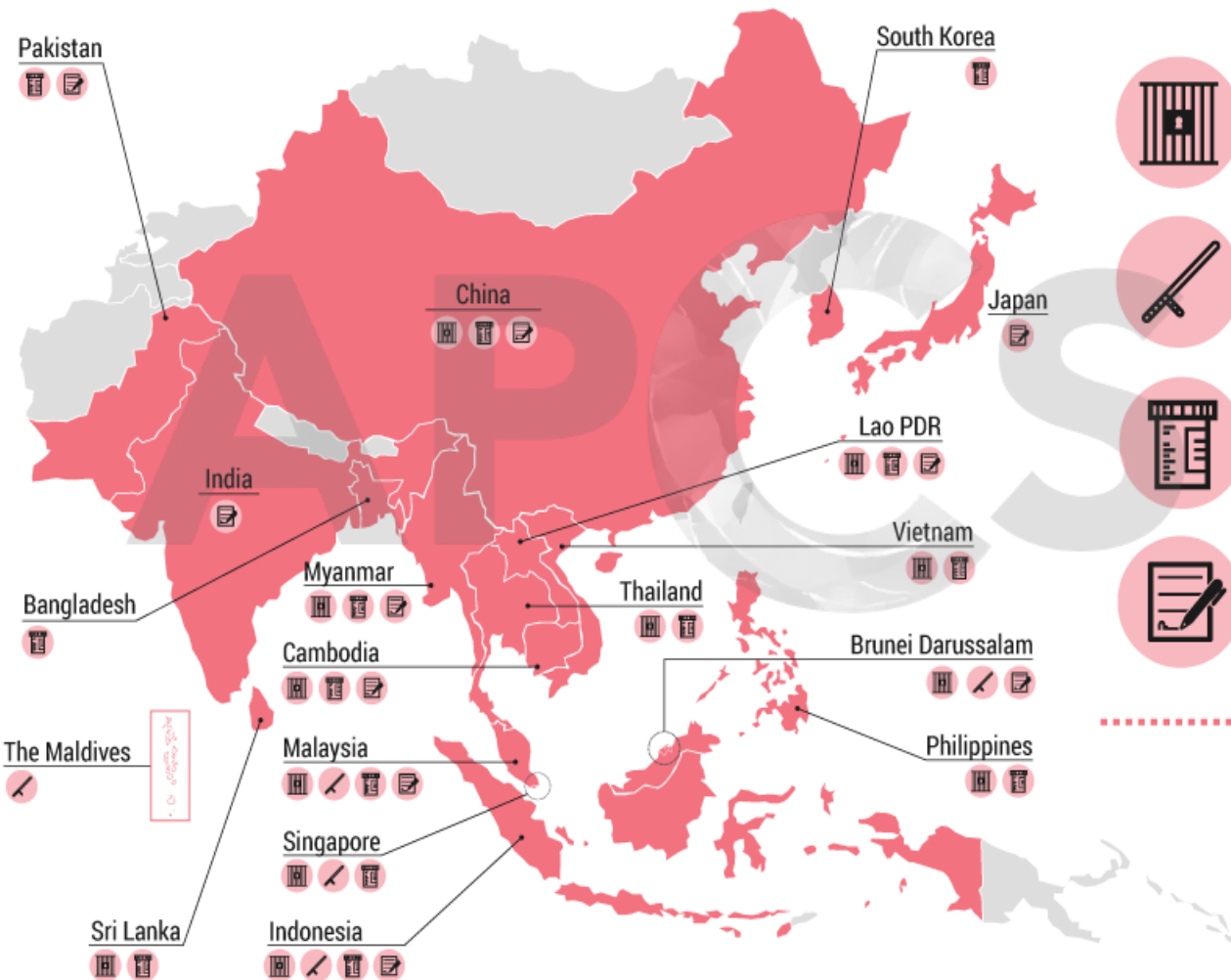
Extrajudicial
killings

Disproportionate
penalties,
e.g. possession

Mandatory
reporting of drug
use

Extensive
enforcement,
e.g. drug testing

Coercive 'health'
interventions,
e.g. drug rehab



Compulsory *rehabilitation* in detention

Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Vietnam



Corporal punishment

Brunei Darussalam, Indonesia, Malaysia, the Maldives and Singapore



Forced urine testing

Bangladesh, Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, Pakistan, the Philippines, Singapore, South Korea, Sri Lanka, Thailand and Vietnam



Mandatory registration

Brunei Darussalam, Cambodia, China, India, Indonesia, Japan, Lao PDR, Malaysia, and Pakistan

Administrative punishment

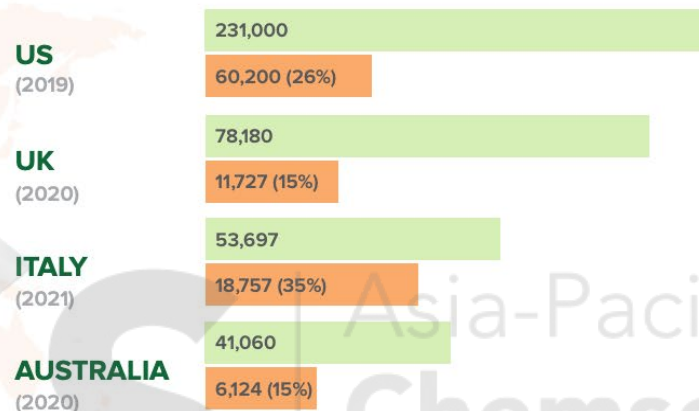
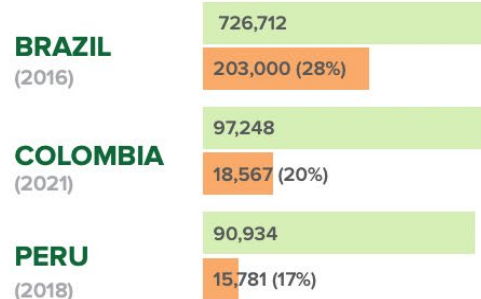
can also amount to acts of torture or cruel treatment

Punitive drug policies fuel mass incarceration around the world

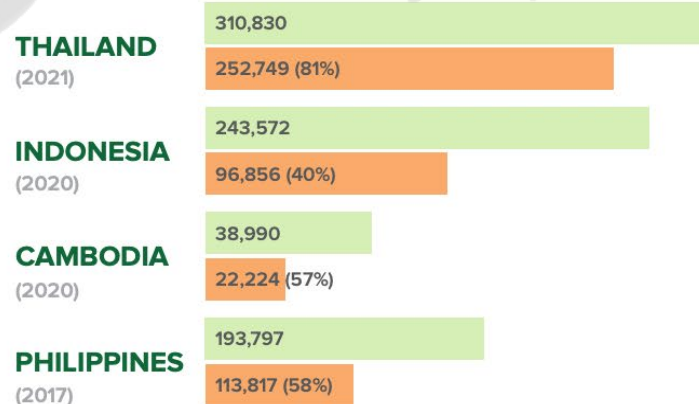
Numbers of people in prison held for a drug offence




Latin America



Southeast Asia



 Total number of people held in prisons

 Number and percentage of people held for a drug offence

UN support for Ending Criminal Sanctions for Personal Possession/ Use



UN Special Rapporteur on the Right to Health: 2024 Report

Drug use, harm reduction and the right to health

- Right to give informed consent to treatment
- Right to information
- Right to privacy, e.g. confidentiality of personal health data
- Right to bodily integrity, e.g. mandatory testing of drug use may be a violation
- State obligation to implement evidence-based interventions to minimize the adverse health and risks and harms associated with drug use

Recommendation: Decriminalize the use, possession, purchase and cultivation of drugs for personal use and move toward alternative regulatory approaches that put the protection of people's health and other human rights front and centre.

In her report for #HRC56, UN expert on health @DrTlaleng calls for end to the 'war on drugs', asking States to move towards harm reduction in drug policies.

[ohchr.org/en/press-relea...](https://www.ohchr.org/en/press-relea...) #WorldDrugDay



<https://www.youtube.com/watch?v=yPZ4bes5Wm4>

Decriminalisation is different from depenalisation or legal regulation



Depenalisation

Drug use and possession for personal use remain a criminal offence but legislative reform or other policies provide for reduced penalties, such as reduced term of imprisonment or alternative criminal sanctions to imprisonment.

*Note: In some languages, such as Spanish and French, the word 'decriminalisation' in English is often translated as 'despenalización' and 'dépénalisation' respectively. This is different from the concept of 'depenalisation' as described above.



Decriminalisation

Drug use and possession for personal use are no longer criminal offences. While the IDPC Gold Standard advocates the removal of all kind of sanctions, in some countries criminal penalties are replaced by other non-criminal sanctions.



Legal regulation

All activities related to cultivation, production, sale, possession and use of selected drugs are legal. Governments may choose to adopt laws and policies to regulate these activities, including limitations on availability, advertising, production and access.

THE GOLD STANDARD OF DECRIMINALISATION

IDPC's gold standard of decriminalisation is the removal of all sanctions for drug use and related activities, including possession, acquisition, purchase, cultivation and possession of drug use paraphernalia. An increasing number of governments, the United Nations, civil society groups, networks of people who use drugs and academics around the world have acknowledged the urgent need for decriminalisation.

1. Don't punish

Remove all sanctions for drug use and related activities, for all substances



2. Support

Promote voluntary access to systems of care and support



3. Community engagement

Meaningfully involve people who use drugs in design and monitoring



4. Redress

Expunge previous convictions and develop reparations for affected communities



5. Compliance

Comprehensively train authorities to ensure implementation and adherence



6. Health & rights

Redirect resources away from punitive systems towards rights-affirming services



This infographic was developed by the International Drug Policy Consortium (IDPC) based on the Drug Decriminalisation [e]Course and Decriminalisation of people who use drugs: A guide for advocacy, user-friendly resources for people from all sectors who wish to understand the key objectives, principles and concepts relating to decriminalisation of drug use and how to advocate for it. You can find the [e]Course, the Guide, and more information and useful materials on decriminalisation, at www.idpc.net/decriminalisation

Thailand: depenalisation and legal regulation

2018

- Legal reforms to allow the cultivation, import/export, distribution, possession and use of cannabis for medical and research purposes

2021

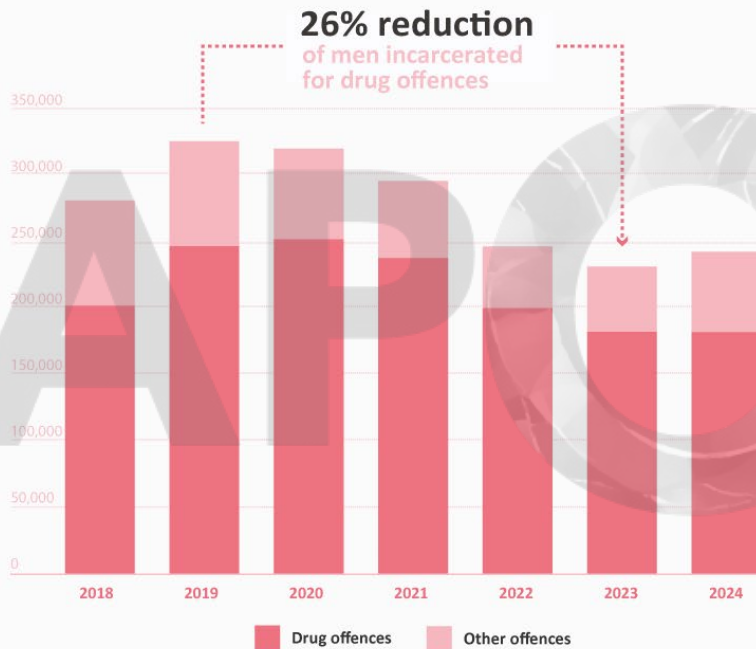
- Reforms under the Narcotics Code:
 - a. differentiate sentencing between serious and non-serious (e.g. consumption, packaging) offences,
 - b. indicative not determinative approach to threshold quantities on possession for personal use, and
 - c. removal of mandatory minimum imprisonment sentences

2021 - 2022

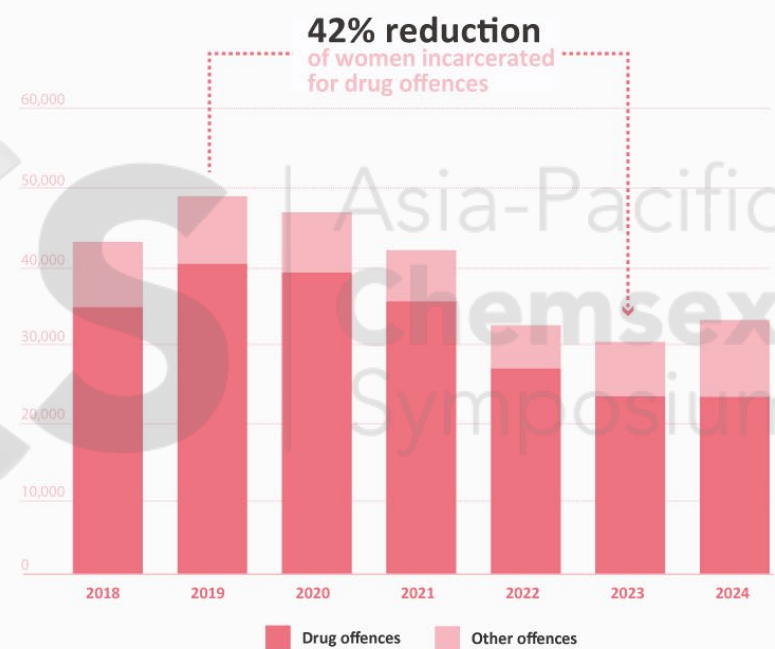
- De-scheduling from Narcotics Code and legal regulation of kratom and cannabis

Declining trend in Thailand's prisons

PRISON POPULATION: MEN



PRISON POPULATION: WOMEN



Between 2019 and 2023, the Thai prison population dropped from **375,763** to **262,319**: a **30% total reduction**

Thailand: depenalisation and legal regulation

Challenges:

- a. New government in 2023 renewed crackdown on drugs: threshold quantities for possession for use reduced to 1 pill (methamphetamine)
- b. Scaled up enforcement campaigns for 'drug-free' villages/workplaces with urine testing and 'referrals' to drug rehab facilities/screening centres
- c. Lack of community engagement in design, delivery and evaluation of threshold quantities, drug treatment and harm reduction services. Compulsory rehab continues.

Regional Recommendations

- i. Policy reforms to ensure that drug use (and sexualised drug use) is responded to with a human rights and harm reduction approach, e.g. decriminalisation, through processes that engage intersectional communities of people who use drugs
- ii. Support (fund) community-led treatment and harm reduction services that are voluntary, inclusive, comprehensive, evidence-based and comply with human rights standards (ie. abolish compulsory drug rehab programmes).

THANK YOU!

For more information,
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