

Families and Friends for Drug Law Reform (ACT) Inc.

committed to preventing tragedy that arises from illicit drug use

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NEWSLETTER

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NEXT Meeting

Thursday 25 February 2010

at 7.30pm

Venue: St Ninian's Uniting Church, cnr
Mouat and Brigalow Sts, Lyneham.

Refreshments will follow

Editorial

Debate needed on alternate approach

Recently FFDLR held a stall during the ACT Multicultural Festival. The theme adopted was that drugs should be regulated and controlled rather than left to criminals and corrupt officials to manage the market.

Clearly, regulation would be the only way to introduce a degree of control over the marketing of illicit drugs given that prohibition has failed to deliver on its promises. Regulation of commodities is the norm, it is prohibition that is the radical policy. Think of food products, pharmaceuticals, tobacco, alcohol. All of these products are regulated as to:

- Purity, quality and quantity,
- packaging information,
- who can sell the products,
- who can buy the products,
- under what conditions a person can buy and use the products.

Everyone would know how regulation works with respect to prescribed medicines, ie a doctor must first prescribe and the dispensing pharmacist provides according to that prescription and additionally gives advice to the person on usage. In the area of illicit drugs, countries that provide heroin on prescription to the severely addicted have a form of regulation which has brought that drug under control. And one would have to say that the process has had remarkable results both for the user and for the particular society – for example in Lucern in Switzerland crime per capita has reduced by 40 percent and for the individual user positive results come very early, usually within the first three months.

Sure, regulation of some commodities is less than perfect but because there is the ability to regulate refinements can be made, eg control of tobacco advertising and where it might be used.

A recent court case is a good illustration of the driver of the illicit drug market. The case was about a 23 year old woman who was caught in a police sting when she tried to sell 28 grams of methamphetamine to a police officer for \$8,200. The woman had plans to move up to the higher end of the illegal narcotics business.

In a pre-sentencing interview she said that she was earning about \$10,000 per week. The magistrate when sentencing her, said "her business and her work is the supply of drugs, it's her occupation".

The main driver of the illicit drug market is the huge profits that can be made. If there was not the huge profits the drug market would be significantly reduced.

At the stall we adopted the themes from the recent report by TRANSFORM and produced a pamphlet with extracts from that report. A copy of that pamphlet is enclosed with this newsletter and members are encouraged to read the report which can be found at www.tdpf.org.uk.

We spoke to about 100 people, including a pair of police officers who were on patrol at the festival. We only spoke to one person with an extreme view – he wanted to line up all who were involved in drugs and shoot them – but no doubt there are many like him to whom we did not speak and perhaps who avoided our stall. But we did however have a captive audience of people waiting in line for Chillian food at the stall next door to us.

Notwithstanding that one extreme view, the balance of those to whom we spoke were very much in tune with our views.

We also ran a straw poll asking people "would you vote for politicians who publicly supported cautious well researched steps towards regulation and control of presently illegal drugs?"

40 people responded, 20 male and 20 female with ages ranging from 20 to 70 years old. Of those all but one responded "yes".

While it may not have been as scientific as some would like it does give an indication that a politician would not be punished at the ballot box if they initiated a debate on an alternate approach.

Drug prohibition doesn't work - so

what do we do next?

Chris Middendorp, The Age, January 7, 2010

It's not Suzanne's fault that she became addicted to heroin at 16. For a while it numbed the emotional pain of the abuse she suffered as a ward of the state. Four years later, she uses heroin three times a day just to feel normal. She never knows how strong it will be and has overdosed six times in the past year. Without the first aid of ambulance

Notice of General Meeting

Please see the attached notice of a General Meeting to be held on our normal meeting date of 25 March 2010 at 7:30pm.

The purpose will be to consider proposed minor changes to our Constitution to enable Families and Friends for Drug Law Reform to have the status of "tax concession charity". This will mean that Families and Friends for Drug Law Reform is not subject to income tax.

officers, Suzanne would be dead - like four of her friends who died from overdoses in the past year.

Suzanne's habit costs more than \$1000 a week. She engages in street sex work - the only way she has to raise that kind of money. Suzanne is sometimes beaten by the men who pay her for sex. She needs to spend every dollar she can generate on maintaining her heroin addiction. She sleeps on the streets and often goes hungry. Last winter, pneumonia nearly finished her off. She has criminal records for possession and street prostitution. She can't get a conventional job.

For many Australian drug users, the criminalisation of drugs continues to create significant misery. The more radical drug policy reformers would argue that if Suzanne could pick up a regulated dose of heroin from a chemist for \$5 a day (as addicts can methadone), she could establish a healthy and safe life. In other words, her regrettable situation is largely caused by drug laws, not by the heroin itself.

It's a fair point. While current drug laws have not stopped people using drugs, they have produced two dreadful by-products. They have spawned a ruthless black market generating billions of dollars, and have turned users, often teenagers, into criminals.

Despite legal prohibition, the number of people who use illicit drugs is greater now than ever. Taking as an example marijuana, which accounts for two-thirds of all drug arrests, more than 2 million Australians will smoke this substance over the next year.

But there are indications that times may be changing. Barack Obama's Administration is the first to stop using the "war on drugs" rhetoric that Richard Nixon initiated when he declared the conflict 40 years ago. Obama has even said publicly that the war has been an "utter failure". This is momentous. Until recently, America had been a hectoring advocate of drug policies involving prohibition and zero tolerance - with Australia marching to the beat of their drum. In 1988, the US Congress actually passed laws declaring that the US would be drug-free by 1995. Billions of dollars have been wasted on policing, yet drugs remain a central fact of American life.

In several Latin American countries and in mainland Europe, legislators have already brought about significant reforms in drug policy in recent times. This has not involved an open-slaughter legalisation of drugs, but the decriminalisation of personal possession and use. Most famously, in 2001 Portugal decriminalised all drugs - from heroin to cocaine - and, to many people's surprise, overall drug use actually fell.

In Switzerland, giving addicts free heroin in supervised clinics has been deemed a success, with begging, prostitution, homelessness and burglary all dropping dramatically. A national referendum in 2008 voted overwhelmingly to retain the program, which began as a trial in 1994.

The focus of any drug debate should not be morals or the law; it should concentrate on the welfare of human beings. The common use of the term "junkie" helps us to maintain the belief that users of substances are in some way lesser beings. Part of the reason we've comfortably

followed the prohibition path for so long has been mainstream culture's view of drug users as subhuman creatures who need redemption. What they really need is medical support and laws that make sense.

In Britain, the Transform Drug Policy Foundation, a respected drug reform group, has been working to dispel ignorance and prejudice. Believing that the time for action is now, the group recently published *After the War on Drugs: Blueprint for Regulation*. The document is generating worldwide support from doctors, lawmakers and commentators. It pivots on the question that if we can accept that prohibition does not work, what do we do next? How we answer this is vital.

After the War harnesses a great deal of intellectual firepower to argue the case for drug reform and social transformation. It examines how decriminalisation might work with strict regulations for vendors, outlets and venues where drugs could be used. It will upset the orthodoxy and exhilarate reformers.

The most common argument in favour of maintaining a "war on drugs" is that drugs are harmful. But we know that if we had to rate drugs by the harm they actually did, then alcohol and cigarettes would go to the top of the list. Regulation and education are the key. It is always worth recalling that when America made alcohol illegal through prohibition in 1919, they created powerful crime figures such as Al Capone, and people started drinking seriously dangerous moonshine, more potent than wine or beer.

Many people don't think seriously about drug use until a family member becomes affected. The law and order populism of the "war on drugs" has been allowed to develop precisely because free debate and careful thinking has been sidelined. Let's hope those days are numbered.

Chris Middendorp is a community worker and writer.

Tough law and order policies aren't working

Gino Vumbaca, December 24, 2009 Comments 11

At this time of the year, when cards and emails inundate us with messages of goodwill to all, wouldn't it be pleasing if it wasn't just all talk. This Christmas there will literally be thousands of children in Australia destined to spend the day filled with the pain and shame of having one, and in some cases, both of their parents in prison.

As the election cycle plays out over the next 18 months for a number of state governments, there is always the hope they may actually take a law-and-order agenda to the electorate that is based on common sense and evidence rather than on fear and loathing. Political parties putting forward ways to stop the ever-increasing number of people filling our prisons would be a good way to start 2010.

Let me clear that I am not advocating the closure of all prisons. I have spent many years working and visiting prisons here and overseas where I have met many people that clearly need to be in prison for the safety of the community. Prisons will always be part of any solution to deal with dangerous and violent people. The reality is though that these people are in the minority. The

majority of people sent to prison benefit little if anything from the experience and are far more likely to leave more damaged and more of a danger to the community than they ever were before.

The latest figures from the ABS show trends that demand the attention of our politicians and the rest of us that pay for the decisions they make.

In just the past 12 months the number of prisoners in Australia has increased a further 6 per cent meaning that close to 30,000 people are languishing in prisons today. A closer look reveals that the number of indigenous prisoners has increased even further to one in four prisoners. It is simply an appalling situation. Indigenous people are now 14 times more likely to be imprisoned or if they happen to live in Western Australia, 20 times more likely.

We spend a lot of money to lock people away and the results or return on our investment are far from impressive with more than half of today's prisoners being classified by the ABS as returning customers. In some way the result is not surprising given that so little comparatively is invested in programs to help people when they leave prison. This is exacerbated by the fact that significant proportions of prisoners have substance misuse problems, mental health problems, varying disabilities and have been victims of assault and sexual abuse.

Our imprisonment rate puts us up there with many Eastern European countries as well as Mexico and Turkey but thankfully still well behind the great incarcerators: the US, Russia and China. So there is still hope.

If we look at the US, where the art of incarceration has been taken to new heights, we see a glimpse of Australia's future if we don't act now. A report from New York State shows that it costs more than \$US200,000 a year to incarcerate each juvenile offender. While in other states, efforts to reduce costs across the system by reducing the prison population are being thwarted by an unlikely alliance between powerful corporations and unions with a vested interest in having an ever-increasing prison population.

Identifying the problems is the easy part, it's coming up with the answers that often prove too difficult, but it may be simpler than imagined. It will, however, take the courage of some and the willingness of many, to debate, listen and understand how to turn things around from this economically and socially unsustainable approach in place today.

As a start we should just stop spending hundreds of millions of dollars each year building more and more prisons – the evidence is clear and simple; if we build them, we will fill them.

The next step is to increase the sentencing options for courts by investing these prison savings into a lot more community-based treatment programs and facilities, particularly residential centres for indigenous people, women and young people.

Another important step is to reduce the size of our prisons. The bigger they are the more unlikely it is for staff to know, or have clear responsibility, about what is

happening. Smaller prisons are far easier to control and manage than is possible in the super-sized prisons spawned by the prison building industry.

We also need to revisit why security staff are accepted as the only people that can run prisons. If we are looking to reduce the number of prisoners returning then there is a good argument to open up these roles to a broader range of professions and skills.

Most importantly though, there needs to be a commitment to use prisons as a last resort. The statements made by former NSW premier Nathan Rees and many others to support a three-month prison sentence given to a young 18-year-old female first-time offender for graffiti earlier this year is a perfect example of our dangerous overuse of prisons. <http://www.smh.com.au/news/national/graffiti-jail-term-appropriate-rees/2009/02/03/1233423184569.html> Cheyene Back won an appeal against the harshness of her sentence, but it does not mitigate the initial overreaction to the offence. <http://www.smh.com.au/national/graffiti-girl-wins-appeal-against-jail-20090304-8nxd.html>

Good will can make very good sense at times, if we give it a chance.

Gino Vumbaca is executive director of the Australian National Council on Drugs and a United Nations adviser on prisons, HIV and drug use.

Source: theage.com.au

Opium Cultivation Jumps In Northern Myanmar

By REUTERS, Published: January 26, 2010

BANGKOK (Reuters) - Opium poppy cultivation in Myanmar's northern Shan state has surged in areas controlled by the military-ruled government, a report said on Tuesday, adding to signs of an opium revival in the so-called Golden Triangle.

The amount of land used in the Shan state to grow opium -- a paste from the poppy used to make heroin -- increased five-fold from 2006 to 2009 to nearly 4,500 hectares (11,120 acres), according to the report by the Palaung Women's Organisation, a Thailand-based rights group.

The figure, based on field assessments, reinforces recent U.N. studies suggesting opium poppy cultivation in the world's second-largest heroin producer is on the rise after a period of decline brought on by a crackdown on heroin trafficking in neighbouring China to curb the spread of HIV.

The report said Myanmar's army officials and pro-government militia are extorting money from poppy farmers and leaving the crop intact, and that 37 million kyat (22,800 pound) in bribes were collected in one township alone between 2007 to 2008.

Such bribes would represent a large figure in a country where many people earn less than \$1 day.

Myanmar government officials were not immediately available to comment on the report.

The study was conducted in two main Shan state areas -- Mantong and Namkham townships -- which earlier had been targeted to be opium-free by 2004 under a drug-

eradication programme carried out by the military rulers of the former Burma.

Shan is dominated by ethnic Chinese and is home to several armed ethnic armies. It borders China to the north, Laos to the east and Thailand to the south, putting it at the centre of the "Golden Triangle," Southeast Asia's major opium-producing region.

The report said the military regime and a pro-government militia took control of the two townships examined in the report in 2005, when a cease-fire agreement ended with a rebel group, the Palaung State Liberation Army (PSLA).

"More of the regime's troops and militias are everywhere. For us this has meant more drugs and more addiction," said Lway Nway Hnong, the main researcher of the report.

The report followed a study released last month by the United Nations anti-drug agency that said opium cultivation in Myanmar had increased for the third straight year with the number of hectares rising by 50 percent since 2006.

The United Nations Office on Drugs and Crime report said Myanmar's opium production increased 11 percent in 2009, with Shan state providing 95 percent of the poppy. It said some ethnic groups were also stepping up opium cultivation to buy weapons to defend themselves against possible attacks by the military.

Myanmar's army has maintained a sizable presence over the past few months in Shan state, where rebel militias are braced for an offensive that analysts said could turn into a protracted conflict, creating a refugee crisis for neighbouring China.

The junta wants ethnic groups to take part in a general election next year and has told local militias to disarm and join a government-run border patrol force or be wiped out, according to Shan state activists.

The mountainous Golden Triangle once accounted for more than 70 percent of the world's supply of heroin, but poppy cultivation dropped to 24,157 hectares from 157,900 hectares between 1988 and 2006, according to UNODC. It is now far exceeded by Afghanistan.

(Editing by Jason Szep and Jerry Norton)

B.C. court rules Vancouver's Insite safe injection site can stay open

By Neal Hall, Vancouver Sun January 15, 2010

Wearing a T-shirt just given to him by the people at Insite, the first legal safe injection site in North America, Michel Chartrand, then 43, was the first person to use the facility in 2003. The B.C. Court of Appeal has dismissed the federal government appeal, which means Insite, the Vancouver supervised injection site that was the first of its kind in the country, will remain open.

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The federal government is expected to appeal Friday's split 2-1 ruling to the Supreme Court of Canada.

Vancouver Mayor Gregor Robertson reacted by saying he strongly supports the ruling and the continued operation of InSite to improve the lives of drug addicts.

"With this second consecutive decision in favour of InSite, I hope the federal government will drop its legal efforts so that we can go back to focusing on InSite for what it is -- a harm reduction facility that saves lives and improves health outcomes for those living with addictions," the mayor said in a statement.

Former Vancouver mayor Philip Owen also praised the ruling and predicted similar safe-injection sites will appear in other Canadian cities.

"We're going to have half a dozen of these across the country," he told a cheering crowd of Insite supporters gathered outside the Vancouver Law Courts.

"It improves public health and improves public order," said the former mayor, an original supporter of a safe-injection site for drug addicts in order to reduce overdose deaths caused by intravenous drug use and the spread of AIDS and other infectious diseases.

InSite was originally allowed to operate under a temporary exemption to federal drug control laws. When the temporary exemption was due to expire, the facility went to the B.C. Supreme Court and won a permanent exemption.

Dr. Julio Montaner, president of the International AIDS Society, called Friday's court ruling "a tremendous victory for us involved in the Downtown Eastside. It sends a very clear message to [Prime Minister] Stephen Harper and his draconian policies."

Vancouver East MP Libby Davies told the rally that federal government should not waste further time and money on an appeal.

"They need to think about common sense here," she said.

InSite opened in 2003 in Vancouver's Downtown Eastside under a temporary exemption from national drug laws.

The exemption was extended twice and was scheduled to end in 2008, but a B.C. Supreme Court judge ruled that InSite should remain open because it provided a needed medical service.

The federal health minister and attorney general of Canada appealed that decision.

In Friday's appeal court ruling, two judges of the three-judge panel ruled against the federal government.

The decision was greeted with applause from InSite supporters crowded in the normally staid courtroom, where Chief Justice Lance Finch read a summary of the ruling.

The court also found that "The supervision of drug injection comes within the province's powers over health under Section 92 of the Constitution Act, 1867, and the province has exercised those powers in a number of statutes related to the operation of InSite. As a result, the provincial and federal exercises of power overlap."

The lengthy court judgment is available online at:

<http://www.courts.gov.bc.ca/jdb-txt/CA/10/00/2010BCCA0015.htm>