

## AIVL's Position Statement

# The Harms of Criminalising Drugs

*The criminalisation of drugs significantly undermines the public health response to blood borne viruses and other drug related harm like overdose. Drug criminalisation causes stigma, discrimination, and social marginalisation.*

*August 2022*





# Our Position

The stated purpose of drug decriminalisation is to minimise risk and harm to wider society through the reduction of consumption and supply of those drugs. In fact, there is little evidence that criminalisation has affected either the supply of drugs [1,2,6,7,8,9,10,11,14] or the rate of drug use [3,11,14].

The criminalisation of drugs has serious ongoing social and health related harms associated with it. The harms caused include stigma and discrimination, social marginalisation, isolation, inequity in access to employment, breakdown of family and other relationships, inability to meaningfully engage with the police as a protective force, and discriminatory treatment within hospital and other healthcare settings [1,3,4,7,8,9,10,12,13,14].

# Our Position

In addition to causing social and health related harm, by continuing to take this hardline stance on illicit drug use, the contagion effect is that the public health response and national health strategies set out in:

- First National BBV/STI Research Strategy
- 5th National HCV Strategy
- 8th National HIV Strategy
- 4th National STI Strategy
- National Drug Strategy

become seriously compromised, undermined and incongruent with achieving set targets such as the elimination of Hepatitis C by 2030. Multiple bodies of research clearly indicate that Illicit drug use and the health implications attached to it are not issues that can be resolved primarily through punitive measures, as such measures have been shown to only exacerbate rather than alleviate this public health crisis that affects all parts of our society [1,2,6,7,8,9,10,11,14].

Conversely, the narrative that decriminalisation increases drug use is also widely propagated by various organisations and has largely anchored Australia's 'tough on drugs' mentality for decades. [5] The problems with this narrative are trifold. Firstly, the support for this notion is largely through data and measurements from drug and alcohol household surveys, and population data and wastewater results that make the grave error of thinking association equates to causation. Furthermore, it fails to differentiate between increases in therapeutic or prescription use of a substance [5]. Secondly, this blinkered criminal justice perspective fails to pay recognition to the social determinants driving it, such as structural disadvantages and adverse experiences due to lack of support structures, a vicious cycle largely perpetrated by criminalisation which makes help inaccessible to those in corrections or custodial settings. Finally, the ulterior motive driving this mentality is grounded more in cultural resistance and the belief that diversion and/or decriminalisation is a "soft option" moreover than being an evidence-based public health response that has undergone extensive health needs analysis [4].

# Our Position

While such attitudes persist, it is important to stress that they are neither universal nor static. This becomes evident when we consider the fact that whilst law enforcement officials may claim that prosecuting people who use drugs are not their priority, and their force is ‘progressive’, in that most states and territories have a drug diversion scheme in place. However, it does not allude from the fact that police operations continue to have harmful effects in a multitude of environments, notably music festivals, this has caused partygoers to ‘panic swallow’, leading to overdose and deaths that could have been avoided, if the complexities of drug policing were structured around harm reduction rather than a myriad of discrepant cultural, organisational and situational factors involved in the current response [4].

By continuing the criminalisation of illicit drugs, we are denying agency to people who use drugs, forcing their health rights to be represented by individuals or organisations that they didn’t choose or were coerced to choose. The criminalisation of drugs along with the subsequent stigma and law defying nature that underpins the discourse of people who use drugs, has created a criminal subclass who struggle to seek the help they require in ethical, non-judgmental, and safe environments where disclosure of their drug use will not incur harsh implications that directly impact the very nature of their health and wellbeing. [1,2,3,4,5,6,7,8,9,10,11,12,13,14]

AIVL’s position is that the harm caused by the criminalisation of drugs is largely preventable and that legislation should be evidence based and informed by the affected community. AIVL argues that this also makes economic sense, as currently two-thirds of our National Drug Strategy budget is directed towards policing and customs [12] while drug treatment agencies are seriously underfunded, (with the capacity to treat less than half the people seeking help) [12]. Given the entrenched system of prohibition, it is only through engagement between the affected community, policymakers, researchers, and politicians that we can take informed measures to rid Australia of this ultimately preventable and highly costly social harm.

AIVL believes that this is a priority at both jurisdictional and federal levels of government. AIVL believes that drug law reform can have a profoundly positive effect on the Australian community including:

- Reducing overdose rates
- Increasing the number of people accessing drug treatment
- Decreasing drug related crime and violence
- Decreasing healthcare costs associated with drug related issues



# Our Mission

AIVL's mission is to advocate strongly and lead discussions around drug law reform at a national level to ensure that drug law is based on scientific evidence, reflects the experience of people who use drugs, and has maximum impact on enhancing the health and human rights of people who use drugs and of the broader community.

AIVL urges governments, policymakers and law enforcement agencies to understand that there is no justice or logic in continuing the pursuit of punitive responses towards people who use drugs, and that such responses are causing untold harms.

AIVL aspires to build on the insurmountable research evidence [1,2,3,4,6,7,8,9,10,11,12,13,14] to work collaboratively towards the decriminalisation of drug use, to reframe drug use as a human rights issue, not a criminal justice issue, and to change the public narrative around currently illicit drugs and the people who use them. AIVL appeals to the government to realise that the evidence is in; our current approach is failing and a new evidence-based approach that creates a safer community for everyone is needed.

# References

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