



# SA DPW Declaration 2018

15 October 2018  
Cape Town, South Africa

Between the 8<sup>th</sup> and 12<sup>th</sup> of October, SA Drug Policy Week 2018 brought together 150 Drug Policy stakeholders to discuss current South African Drug Policy. We collated, reviewed and evaluated the input from international and local experts, considered the feedback from delegates, and developed the following list of recommendations.

## **SA Drug Policy Week,**

**Affirming** that the aim of drug policy should be to ensure the health, wellbeing and security of individuals and communities from the potential risks of the use of all drugs,

**Emphasising** the obligations of South Africa in terms of United Nations conventions and treaties including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the country's commitment to the Sustainable Development Goals,

**Regretting** the repeated failure of government, communities and individuals to critically current policies since the demise of apartheid,

**Deeply concerned** in the knowledge that current policies and conventions were established and informed by racist, moral and exclusionary ideologies,

**Observing** that, without due scientific consideration or justification, and based on arbitrary criteria, a number of drugs are, by legislation, illegal to produce, consume and sell,

**Drawing** attention to the failure of the prohibition of these drugs to reduce the supply of drugs,

**Alarmed** by the significant increase in the number and nature of drug related harms to individuals and communities, and increased associated risks and dangers of the use of prohibited drugs,

**Emphasizing** the fact that the trade of prohibited drugs has created a criminal economy, has increased the financial viability of criminal enterprises, increased levels of violence and illicit trade at community, at a national and transnational level,

**Recognising** the voiced frustration of law enforcement officers in regard to the current prescriptions for the policing of drugs and drug use, noting their desire to explore alternative approaches,

**Noting** that current approaches necessitate spending a large proportion of treasury funds on the policing, prosecution and incarceration of people who use drugs,

**Acknowledge** that the current approaches do not make communities safer and can exacerbate danger and violence,

**Call upon** the Government of South Africa and the responsible departments of government to implement the following recommendations:

## 1. Overarching recommendations:

### 1.1. The National Drug Master Plan

- 1.1.1. cannot be delayed further, and must be released before the end of 2018
- 1.1.2. must align with the National Strategic Plan on HIV, TB and STIs,
- 1.1.3. must prioritise the reduction of the harms associated with the use of drugs,
- 1.1.4. must promote and ensure the protection of the constitutional rights of all South Africans.

### 1.2. Reduce stigma and marginalisation

- 1.2.1. networks of people who use drugs must be meaningfully consulted at all levels of policy-making,
- 1.2.2. people who use drugs cannot be excluded from social and health services, economic and income earning activities, academic pursuit, or any other activity or right enjoyed by others, based only on their use of drugs.

### 1.3. All policies must:

- 1.3.1. be based on sound scientific principles and available data gathered from published, peer reviewed credible research,
- 1.3.2. be monitored and evaluated using appropriate indicators
- 1.3.3. funds must be made available to ensure that the appropriate services and support are available and sustainable.

### 1.4. Policies must recognise and address the reality that for many dependent drug users, the use of drugs is experienced as a solution to feelings of psychosocial dislocation brought on by social and economic exclusion, marginalisation and stigma.

## 2. Health recommendations Health Sector

### 2.1. Increase awareness & advocacy around health issues affecting people who use drugs

### 2.2. Prioritise the inclusion of WHO package of HIV, HCV, STI & TB services for PWID in relevant policy:

- 2.2.1. increase financing of WHO package for PWID,
- 2.2.2. increase access to sterile injecting equipment,
- 2.2.3. increase access to agonist medications, specifically methadone, for OST,
- 2.2.4. increase integration of and access to hepatitis services.

### 2.3. Immediately address the price and availability of methadone.

## 3. Social Development recommendations

### 3.1. The role of structural and historical inequality in driving the dependent use of drugs should inform all social development responses and interventions.

### 3.2. Social welfare services must be:

- 3.2.1. easily accessible by all people who use drugs,

- 3.2.2. community based, and
- 3.2.3. non-stigmatising
- 3.2.4. Peer-informed and delivered.

3.3. A continuum of care is essential and shortcomings must be identified and filled.

3.4. Interventions must not increase the levels of psychosocial dislocation, and should promote the inclusion of people who use drugs in the community.

## 4. Criminal justice

4.1. A judicial review must determine if current policies:

- 4.1.1. Increase the dangers of drug use, and therefore are unconstitutional,
- 4.1.2. The current scheduling of drugs is justified by the evidence.
- 4.1.3. Define levels of criminalisation for dealing in various drug types based on a graduated model
- 4.1.4. Define the amounts of various drug types which may be deemed for “personal use” and the amounts of various drug types which may be deemed as “dealing”

4.2. With immediate effect:

- 4.2.1. the arrest of and prosecution of people who use drugs must no longer be a priority,
- 4.2.2. the number of people arrested, prosecuted or incarcerated must not be considered a measure of performance,
- 4.2.3. the role of law enforcement to protect the safety and wellbeing, of all South African’s, including people who use drugs, must be emphasised and implemented as part of all law enforcement agencies policies.

4.3. The mandate of law enforcement must be aligned with the rights of PWUD:

- 4.3.1. alternatives to arrest and incarceration must be evaluated and implemented,
- 4.3.2. the use or possession of drugs for personal use, should not be a criminal act in and of itself.

## 5. Municipalities

5.1. Municipalities must:

- 5.1.1. Ensure policies align with national policies and the country’s international commitments
- 5.1.2. Develop action plans on how to provide municipal services to marginalised PWUD/PWID who are homeless/poor and living on the streets.
- 5.1.3. ensure that their respective Metropolitan Police Services adhere to the concepts of human and civil rights when interacting with PWUD/PWID
- 5.1.4. adopt the concept of Harm Reduction as a proactive means of managing and interacting with these key population groups.