

Course Syllabus: Drug Policy and Human Rights 2013

2013 course revisions

The *Drug Policy and Human Rights* course will be offered for the third time. Based on participant feedback from the 2012 course and feedback from faculty, some minor changes will be introduced in the course format:

- The previously two-week course has been shortened to 8 contact days. This will continue to allow for an intensive teaching environment, but is intended to retain the attention and enthusiasm of the participants. It was felt that two weeks was overly challenging and entered the realm of diminishing returns.
- While retaining the key thematic areas of previous years, the course will be restructured to be delivered within 3 strands – practice, policy and advocacy.
- More space will be made to allow for sharing participants national and professional experiences within the field.

Statement of Purpose

In conceptualising drugs and drug policy it is perhaps worthwhile to note some stylized facts which both demonstrate why drugs are a significant problem and why there is a need to restructure public policy on the basis of human rights.

- Drugs generate very large income flows both in production and in distribution. But in most countries drugs represent illegal activities and it is impossible to estimate with any confidence the scale of these activities both in monetary and non-monetary terms. Policies relating to drug production require a complex understanding of social, economic and political conditions and thus needs to draw on a range of disciplines – those of economists, sociologists and political scientists, psychologists, public health specialists, lawyers and so on.
- Understanding political and economic development in Latin America is impossible without a complex understanding of drugs and its impact on economic, social and political conditions – including of course aspects of regional security and military and economic relations with the USA. Drugs will increasingly determine international relations between many countries of Latin America and the USA, and thus need to be central to the analyses of political scientists, international relations specialists and military and security professionals.
- Less evident are the links between the changes in drug policy in Latin America which are driven by the insecurity many countries are facing and the break with the international consensus on drugs which is driven by US policy and the Global UN Conventions. Insecurity generated by drugs, the failures of existing drug policies in Latin America and in other countries, is leading to a gradual unravelling of the global consensus. This provides an opportunity for developing and implementing new policies that are based on human rights.
- Not least of the problems associated with drug use in many countries are the linkages to critical areas of public health where injecting drug use is playing a major role in the transmission of HIV/AIDS and hepatitis. In many countries sharing of needles and associated behaviours are the main driving forces behind the HIV/AIDS epidemic, with consequent personal and social costs. These factors have been recognised by UNAIDS and UNODC and others, and there is now an emerging consensus internationally for evidence-based policies that address the structural determinants of drug use and ones based on respect for human rights.

Most of the analysis of drugs and drug policy is focused on the domestic effects of drug use and these obviously vary between countries and regions. Manifestly drug policies in most countries are presently failing to achieve their stated outcomes.

- Some countries stand out for their liberal policies on drug use including most obviously the Netherlands and Portugal. And others for the illiberal nature of their policies such as the USA with its extensive use of imprisonment for minor drug-related offences, or Russia which still bans the availability of methadone as a substitution treatment. The Netherlands and Portugal are both countries where the effects of liberalisation of drug use have been associated with significant reductions in drug-related crime and in the costs of the judicial system [saving on resources in policing, the justice system and imprisonment, and with major benefits for drug users and others].
- It would seem evident that countries that are concerned to develop evidence-based drug policies and which wanted to minimise the personal and socio-economic costs of drug use and drug policies would undertake research into the effects of different drug policy strategies, and more specifically into the experience of countries that have implemented more liberal policies. This would be a fruitful area for socio-economic research and be especially relevant for socio-legal studies. There are areas here for collaborative research and teaching that brings together the skills of economists, sociologists, behavioural disciplines such as psychology, and legal expertise including those specialised in human rights issues.
- There is evidence drawn from more or less all countries of activities often undertaken by the police and others engaged in the enforcement of the law, including often those involved in the provision of other public services [through the public and private health systems, the correctional system, employment provision and child and welfare services] of the infringement of human rights. These behaviours and practices need to be exposed to analysis and practices reformed if more effective outcomes are to be achievable.
- The catalogue of HR abuses is almost unending and without exception infringe individual human rights even within countries that pride themselves on their respect for the rule of law. Not least of the problems are forms of so-called treatment in many countries that are both simultaneously ineffective and barbaric. Many countries continue to exclude drug users from effective treatment including access to AIDS drugs that are life enhancing and available to other HIV positive people. The catalogue of HR failures in many countries is almost unending but these are amenable to change through processes of research and dialogue that leads to public policy reform.

Course Aims

It would be possible to extend the listing of examples where drug policy issues raise questions which require interdisciplinary approaches if they are to be successfully addressed. These policies are not going to be the same everywhere and at all times given that the underlying conditions are different and will require different solutions. But the principles on which policies need to be constructed are the same – relevance to actual conditions and founded on accepted principles of human rights and which can be shown to have outcomes that meet the needs of all those affected.

The aim of this Summer Session is to develop a more complex understanding of the illicit drugs market and policy environment. In part so as to identify the contributions that different academic disciplines can make to the development of evidence-based policies. By processes of discussion and review of data, information and analysis to develop and apply human rights principles to the assessment of existing drug policies. To then proceed to reflect on the development of reform of public policy so that policies are based on accepted human rights laws and conventions, together with respect for the rule of law in all countries. The time is now ripe, given the unravelling of the

global consensus on drugs, for exploring alternatives to existing policies based on best practice and respect for human rights.

Prerequisites

Some prior knowledge of Drug Policy is required of participants. The target audience is high-achieving MA and PhD students, junior faculty, research staff in universities and other institutions. It is the intention, however, to continue to specifically attract professionals working in various levels of government and international organizations. A key objective of the course is to emphasise the interdisciplinarity both of learning and of problem solving. It is thus an important objective in recruiting participants that non-standard disciplines be represented, and that new skills and capacities are applied to this area of public policy. Some of the relevant disciplines are identified above that are seen as being crucial in seeking a comprehensive analysis of Drug Policy and Human Rights. All participants are expected to be fluent in both spoken and written English.

Brief Course Overview

One of the most significant changes in public policy since 1945 has been the application of human rights to many areas of national and international activity. Most countries have become signatories to international conventions and it is now increasingly common to assess public policies in many areas by the degree to which they observe accepted standards of human rights.

Public policy and those who implement public policy are increasingly held to account by the degree to which they meet national and internationally accepted human rights standards. These standards are now applied increasingly in areas which are economic and social and extend way beyond their earlier mainly legal and political boundaries.

It is in this context that the SUN will aim to establish appropriate national and international frameworks of human rights and to use these concepts, laws, and conventions, and their actual implementation, in an assessment of public policy relating to illicit drug use both globally and nationally. In effect to explore concepts of human rights and to ask questions of the degree to which Drug Policy fails to observe accepted standards and with what consequences.

While cross-cutting, the organizational framework for the SUN will therefore be as follows:

- **Human Rights** – what are they and why are they important. How does one explain the extension of human rights to core areas of public policy and what are the implications of human rights for the assessment of public policy in the area of illicit drugs and other areas of addiction. [Professor Osiatynski]
- **Human Rights and the international framework of conventions and organisations.** What is the international framework of rights and what have been the determining factors in their development. A review of key UN conventions and organisations such as UNODC and the International Narcotics Control Board, and assessment of the so-called ‘war on drugs’. [Mr. Barrett and Dr Bewley-Taylor]
- **National Drug Policy** – an identification and assessment of the core principles that have determined the public policy on drugs in selected countries [USA, UK, Portugal and Holland].The situation in various Eastern European countries will figure prominently in later sessions. In assessing national policy how far do these fall short of accepted human rights criteria, laws and UN conventions. [Mr. Barrett, Dr Bewley-Taylor, Ms Malinowska]
- **Law enforcement and the use of the criminal law in the application of drug laws.** A review of the ways in which the criminal law is used to deal with drugs and the extensive abuse of human rights that is often entailed in many countries. A detailed analysis and

description of the use of the criminal law in selected Eastern European countries and elsewhere. [Professor Krajewski, Mr Soyer]

- **Public Health and Drug Policy.** Harm reduction – what is it and why are such activities necessary in the response to the abuses of drug laws and drug policy in many countries. A review of effective harm reduction activities in selected countries of Eastern Europe, and how these activities can mediate the harms caused by policies affecting those who use drugs and other population groups. [Ms Malinowska]
- **Civil Society organisations and their role in the protection of human rights of those using drugs and those affected by the application of drug policies.** A detailed review of the activities of the Hungarian Civil Liberties Union in the area of drugs and drug policy. An assessment of the HCLU's activities in the area of drugs and drug policy, and including site visits and discussions with affected populations. [Mr Sarosi and HCLU]
- **Drug policy and human rights in countries where drugs are produced and traded.** A review of the impact on human rights of aggressive state policies in Colombia [Plan Colombia] and elsewhere in Latin America. What has been achieved and with what consequences for the people of Colombia and the region. An assessment of the failures of policy and the consequential impact on human rights, and the destabilisation of economic, social and political systems. Why such aggressive policies are both counter-productive and destructive of human rights. [Professor Mejia and Dr Buxton]
- Review of SUN course and discussion of how to move forward with reform of drug policies. [Dr Bewley-Taylor].

Teaching mode

Note that a mix of teaching modes will be used and faculty are encouraged to minimise the use of formal lectures. Emphasis will be on discussion and interactive learning with maximal use of written and non-written materials. There exist considerable amounts of audio-visual media and these will be used where appropriate as a basis for group discussion. Time will be allocated for the presentation of student research and policy experience, as well as for personal reading. Participants will be encouraged to interact personally with faculty so as to deepen understanding of the issues. Site visits and discussions with civil society organisations and groups will be a feature of the programme of activities.

Assessment and Expected Outcomes

One of the aims of the SUN is to reinforce the proposition that drug policy and those who are active as researchers, teachers, providers of services are engaged in highly professional areas and policy makers. It is therefore intended to recognise their contribution through appropriate certification relating to the SUN. All those attending the course will be provided by CEU with a Certificate of Attendance. Opportunities will also be provided during the course for personal discussions with Faculty. It is intended that further work after the conclusion of the SUN be encouraged both in respect of research and programme analysis and development, and this will be suitably recognised through the certification process. It is expected that faculty teaching the SUN will be prepared to provide follow up assistance through personal agreement with students.

CEU policy on Certification is as follows:

Certificate of Attendance

SUN awards a certificate of attendance upon successful completion of the course. In order to gain this certificate, participants will be expected to attend and actively participate in all classes and complete assignments required by the course.