

24 October 2019

English only\*

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**Forty-third Meeting of Heads of National  
Drug Law Enforcement Agencies,  
Asia and the Pacific**

Bangkok, 22–25 October 2019

**Draft report***Rapporteur:* Blair Macdonald (New Zealand)**Addendum****Consideration of topics by working groups****(d) Alternatives to conviction or punishment for drug-related offences and enhanced cooperation between the health, social and criminal justice sectors.**

1. The working group on the above topic met during the 6th meeting, held on 24 October 2019. In its consideration of the issue, the working group formulated the following observations and recommendations:

**2. Observations**

(a) The impact and costs of imprisonment affects the people convicted, their families and the community at large;

(b) Imprisonment as a default option leads to prison overcrowding;

(c) Non-custodial measures can be applied in various stages of criminal proceedings and are being applied in the region to varying degrees particularly in relation to treatment as an alternative, in accordance with national legislation and policy;

(d) Legal definitions of drug trafficking vary in relation to threshold quantities and need to take into account the purity and type of drug to reflect the punishment accordingly;

(e) Drug use disorders are multifactorial and as such require multi-stakeholder engagement to comprehensively address the needs of individuals;

(f) The use of mobile technology through applications can be effective to track diversion methods for example referrals to health services by law enforcement officers as well as individual offence records;

(g) Efficacy of Alcohol and Other Drugs Treatment Courts remains to be proven. If a comprehensive assessment has been conducted, this criminal justice

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\* Available only in English, which is the working language of the subsidiary body.



method can help with access to the necessary services outside of the criminal justice settings;

(h) Psychosocial treatment interventions for people who use methamphetamines are being implemented, including, but not limited to within the setting of courts;

(i) As a treatment modality compulsory detoxification is being implemented in some countries;

(j) There is a risk of drug traffickers relying on laws regulating threshold amounts to abuse the criminal justice system to escape more serious drug charges;

(k) Young people in contact with the criminal justice system for drug-related offences are in some cases placed in juvenile corrections facilities as an alternative to imprisonment;

(l) Assessment on the severity of dependence allows for appropriate interventions;

(m) A balanced approach to drug control needs to be in place that does not hinder the work law enforcement investigations and detection of drug suppliers, while at the same time allowing for effective referral to drug treatment for people who use drugs;

(n) Engagement of the faith-based sector, alongside the health, criminal justice and social welfare sectors, can contribute to a comprehensive strategy for treatment as an alternative to incarceration;

(o) For effective alternatives to punishment and incarceration there is a need to appropriate health services to be available in the community;

(p) While there may be limited scope for law enforcement to utilize discretion for diversion to alternative sanctions, there is an opportunity for the judiciary to ensure that alternatives to incarceration, where applicable, are being utilized to avoid overburdening the criminal justice system;

(q) Legal and policy reviews, where applicable, that allow for alternative measures are necessary in order for law enforcement to follow due process.

### **3. Recommendations**

(a) Governments are encouraged to consider alternatives to conviction and punishment for drug-related offences in cases of a minor nature, in the framework of the provisions of the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules) and the International Drug Control Conventions;

(b) Governments should ensure the effective coordination of and cooperation between all relevant government agencies involved in drug control to facilitate the provision of health and social services to people with drug use disorders in contact with the criminal justice system;

(c) Governments should strengthen community-based services, including prevention, treatment, care and social support, for people who use drugs, to prevent drug-related crime and recidivism.

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