

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (73) 6

ON THE PENAL ASPECTS OF DRUG ABUSE

*(Adopted by the Committee of Ministers on 19 January 1973,
at the 217th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Considering the aggravation of drug¹ abuse in Europe, as in other parts of the world;

Recognising that drug abuse is a complex and dynamic challenge to public health and social welfare, and that its nature, scale, origin and means of effective management are largely obscure and require substantial further study;

Wishing to co-ordinate and strengthen within the framework of existing international conventions the efforts taken by member States in their fight against this abuse;

Stressing the need for these efforts to be guided by a coherent and comprehensive policy;

Convinced that such a policy must be implemented in a multidisciplinary framework of powers and resources necessary for preventive and remedial action and that an appropriate application of penal law constitutes an indispensable element of this approach;

Taking account of the desirability of implementing and supplementing the provisions contained in international legal instruments and notably those elaborated under the auspices of the United Nations,

I. Recommends that the governments of member States of the Council of Europe should apply the following principles :

A. In respect of general policy

1. The general objective should be to minimise human suffering by enlisting public co-operation, protecting the vulnerable, helping the dependent and repressing

1. For the purpose of this resolution the term "drug" means any substance which, because of its psychoactive and other properties, may give rise to abuse and sometimes to a state of dependence.

drug traffic.

2. Penal measures against drug abuse should be envisaged as part of a broader national response which also includes preventive and rehabilitative elements and takes account of general policies of social development. Such an approach should lead to the formulation of a national programme establishing long- and short-term goals and to the adoption of appropriate arrangements to secure co-ordinated planning and execution of such a programme.

3. National administrations concerned with the control of drug abuse and the resulting public health and social problems should be provided with :

(a) access to expert multidisciplinary advice on penal and non-penal counter-measures;

(b) links with the public health, education, social, judicial and penal services in devising effective community action and protection, particularly for young people;

(c) adequate means of taking initiatives and making timely and measured responses and for this purpose should have flexible administrative powers under appropriate legislation;

(d) access to services for monitoring and research.

4. All possible steps should be taken to develop necessary services for identification, diagnosis, treatment and rehabilitation as well as education and social re-integration of individuals concerned, especially those in the young age groups. These services should, so far as possible, be conceived and operated as an integrated system utilising the skills of various disciplines.

B. In respect of legislation

1. The primary role of the law in this field should be to regulate the manufacture, the production and the distribution of drugs and to define and make punishable activities likely to foster drug abuse.

2. Subject to constitutional limitations and so far as international obligations permit, legislation should be enacted so as to enable the national authorities :

(a) to bring new drugs under control as quickly as possible;

(b) to impose restrictions on the production and distribution of particular drugs;

(c) to regulate the safe custody of drugs;

(d) to allow for special limitations on the prescribing of selected drugs;

(e) to increase or decrease, as the circumstances may require, the severity of restrictions on the availability of drugs.

3. Substances to which control is applied should be individually specified in the law.

4. The penal law should provide for severe sanctions for professional traffickers.

5. The law should be so framed as to allow for the possibility of treatment, and rehabilitation, either within or outside penal institutions, and for after care.

C. In respect of police and customs administration

1. The role of the enforcement agencies should be co-ordinated with the general policy objectives described above. To this end the members of these agencies should be given the appropriate training, and close co-operation should be developed between them and other community agencies involved.
2. Effective measures should be taken at the national level to secure full co-ordination of preventive and repressive action against the illicit traffic, as called for by international instruments. If it has not already done so, each member State should set up a central service, with which all its law enforcement agencies should collaborate to collect and distribute information on illicit traffic and traffickers.
3. Enforcement personnel should be provided with all resources necessary for them to take swift and efficient action.

D. In respect of judicial action

1. It is desirable that public prosecutors and judges should have access to relevant information about the offender's personality and background.
2. Subject to national circumstances, consideration should be given to the possibility of allowing public prosecutors and judges to discontinue proceedings in respect of drug dependent persons who accept treatment and after care or who are committed to treatment by administrative or judicial decision.
3. Unless alternative methods are inappropriate, drug abusers, in particular minors, first offenders and offenders who are not launched on a criminal career, should not be imprisoned.

E. In respect of imprisonment

If a drug dependent person is imprisoned he should be placed in an institution having access to resources for treatment and rehabilitation.

F. In respect of information and training

The police, prosecutors, judges, prison staff, probation officers and others who are called upon to apply the penal law should have access to information on the various aspects of drug abuse and, where appropriate, be given a special training in this field.

G. In respect of documentation and research

1. Collection of information and statistics concerning drug abuse and related public health and social problems should be encouraged in such a way as to facilitate

national and international analysis of the data.

2. Whilst research into all aspects of drug abuse should be encouraged, specific research into the effects of penal law should be undertaken.

3. Provision should be made as necessary in legislation to allow for research into the abuse of controlled drugs.

H. In respect of international co-operation

A close co-operation should be established among the member States of the Council of Europe, in particular in the following areas :

(a) *As regards information* : in addition to the information supplied under international treaties, member States should arrange for exchange under the auspices of the Council of Europe of information on legislation under preparation, on administrative measures envisaged, on treatment methods used or under study, on measures of prevention and public education, on research results and on practical experience made in this field.

(b) *As regards legal action* : member States should further develop the mutual co-operation and assistance already made possible under the conventions elaborated under the auspices of the Council of Europe.

(c) *As regards law enforcement agencies* : the central services should work closely together and collaborate with the competent intergovernmental and international organisations. In particular the co-operation existing within the framework of ICPO (Interpol) should be encouraged. Other national administrations which play an active part in the repression of illicit traffic should, to the extent possible, be integrated in this system of international co-operation.

II. Invites the governments of member States to inform the Secretary General of the Council of Europe, when appropriate and at the latest within a period of two years, of the action taken on this resolution.