

# LIFE SET FREE



WHAT'S GOOD FOR THE CHILDREN IS GOOD FOR THE WORLD  
A Child Rights-centered approach to prevention of drug-related harm



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### Four Types of Harm

The consumption of any illicit drug in a non-medical setting can harm health and social life. As such, illicit drugs are to be addressed as a major obstacle and threat to the wellbeing and development of children and young people.

#### 1. Harm to public health and individual well-being

Illicit drugs harm humans physically and psychologically, leading to dependence, organ diseases, depression and other mental disorders. Even the most common illicit drug, cannabis, can carry a detrimental effect on the development of the brain, especially when used during adolescence.

#### 2. Social harm

Illicit drug use causes problems to the users themselves. And it causes harm to the family, friends, and colleagues around the users as well as to society at large. The dimension of harms to others caused by illicit drug use demands to consider that health and social harm overlap and often heighten one another.

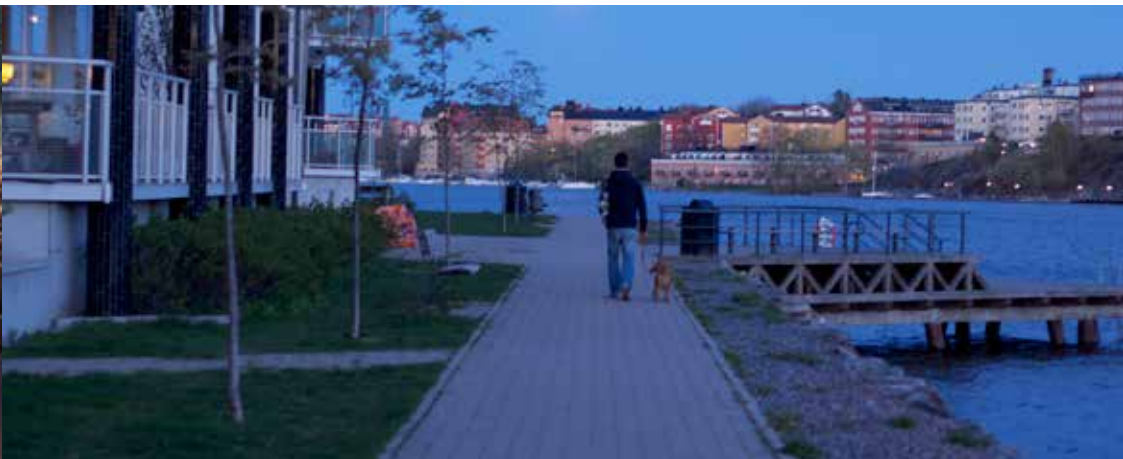
While the user often has to cope with major personal difficulties, these personal struggles also affect the community around the user, who depend on the user to fulfill their social and legal obligations as members of the community.

Illicit drugs exacerbate and perpetuate poverty, fuelling criminality, corruption and violence and thus draining communities' resilience and the precious resources of society at large.

Social harm caused by illicit drugs consists of a collective dimension and an individual one, a short-term dimension and a long-term one. All four dimensions interplay and cause the magnitude of illicit drugs' social harm.



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## UN Human Rights Conventions

### 3. Harm to economic sustainability and prosperity

The social harm caused by illicit drugs, their harm to the individual's health and well being, and to public and global health, all create a burden on the economy of any society. Property damage, crime, violence and absenteeism at work causing productivity losses are all aspects of harm to economic sustainability and prosperity. Considering negative impacts such as low quality of life, or depression, it is a reason to intensify prevention and early care in order to reduce economic costs.

### 4. Illicit drugs – a human rights issue

Illicit drugs are a Human Rights issue. They are especially a Child Rights issue. Illicit drugs expose children to unhealthy environments, neglect and abuse, higher risks for early onset of use of alcohol and other drugs and violate their fundamental right to grow up safely and free from alcohol and other drugs.

### Protecting children - a primary, universal and obligatory concern

The 1989 Convention on the Rights of the Child (CRC) is hard law, like the Narcotics Conventions from 1961, 1971, and 1988. But only the CRC is core human rights law. It is the first international instrument to explicitly recognize children as social actors and active holders of their own rights. Notably, the purpose of the CRC is not to affirm that children have the same rights as adults, but to legislate on rights for children on basis of their special needs for protection.

Protection against illicit drugs is unquestionably a human rights issue. Protecting children from illicit use/production/trafficking of drugs is a universal obligation for governments.

### Promoting the Best Interest of Children is the overarching principle

– Article 3, in the 1989 Convention on the Rights of the Child (CRC):

"In all action concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration."

Art. 3, CRC is a portal paragraph: the best interest principle shall be considered across the board in decision-making.

Whenever a society is deciding on legislation, or other policy the Best Interest of the child shall be a primary consideration.

The best interest of the child may not prevail in all situations but it requires strong arguments to the contrary to topple its "primary" status; freedom of speech or information is a strong and legitimate civic interest, and might prevail in most situations unless there is a strong child interest at hand, such as child pornography.

An assumed right to take illegal drugs as a matter of self expression or privacy would by comparison have almost zero civic interest, and would lose in a contest with any child rights provision.

### Protecting children from illicit drugs

- Article 33, in the 1989 Convention on the Rights of the Child (CRC):

"Governments shall take all appropriate measures, including legislative, administrative, and educational measures to protect children from the [use of illicit drugs]\* as defined in relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances."

In short Art. 33, CRC is calling for comprehensive measures to protect children from use, production, and/ or trafficking. It refers back to existing UN instruments on illicit drugs. And it means that more than one measure is foreseen and a comprehensive multi-sectorial effort is called for.



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## Prevention – The child-centered policy cornerstone

The primacy and universality of children's Best Interest means that general drug policy-making shall be child centered – as opposed to adult-centered or user-centered.

### Drug free environments to protect children

The wording of CRC Art. 3 and Art. 33 allows for a scope of protection that also covers the situation where the illicit drug user is not the child, but e.g. his/her parent. Governments should undertake strong efforts to prevent that such situations emerge and they must create an enabling environment for protecting children from illicitly using drugs.

For this to happen the most conducive policy goal is to ensure a drug free society.

### Special protection: Drug protection a value in itself

Art. 33 is one of the special protection articles in the CRC. This means that it represents a value that shall be upheld. The child shall be protected from illicit drugs. This can be compared to right not to be subject to discrimination. Policy-making that is not embracing this value is not consistent with the CRC.

Art. 3, CRC and its Best Interest Principle have far reaching implications. They go beyond the child-only realm.

The best interest of the child shall be a primary consideration in all policy making that affects children, even in areas which at first might seem to have nothing to do with children.

In the field of illicit drugs policy the question "how does this affect children's right to protection from drugs" shall be mainstreamed. It shall be the starting point for all drug related discussions to consider: "Is this the best way to ensure that children are protected against



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illicit use/ production/ trafficking of drugs?  
If the answer is no the policy has to be re-thought.

### Prevention as the first priority, not harm reduction

UNICEF's Child Protection Strategy 2009 sets prevention as the first priority for child protection.

Society shall make it difficult to use illicit drugs, and work to ensure an attitude of non-acceptance of illicit drug use. A first priority of "health" or "harm reduction" does not meet the requirements for protection as set out in Art. 33.

The starting point in a child-centered policy approach must be prevention.

## Three ways forward towards a world that protects children

### The "Prevention-first" approach

Preventing problems from occurring or expanding represents by far the best option to reducing drug-related harm. The "Prevention-first" approach holds four major benefits:

- It is the most cost-effective policy option,
- It is the most sustainable policy option,
- It is the most people-empowering alternative, and
- It is the most humane policy option, particularly in the context of protecting and assuring the best interests of the world's children.

Effective prevention methods exist and are in use continuously all over the world. Clearly, prevention cannot solve the enormous and complicated problems of illicit drug use on its own. Prevention, the primary strategy, must be supplemented by a comprehensive system of treatment options, health services, and



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various harm reduction measures. Those services, however, should not replace prevention as the primary strategy.

### A broad, balanced and humane illicit drug policy

The UN Drug Conventions and the UN Convention on the Rights of the Child do provide substantial guidance and latitude for countries seeking to design broad, balanced and humane illicit drug policies that are consistent with the principles of Human Rights.

#### Broad illicit drug policy

The UN Conventions allow a broad range of different strategies and measures that can be adopted and/ or adapted for a country's particular circumstances.

#### Balanced illicit drug policy

National illicit drug strategies should be balanced in that each policy element should be used effectively to achieve its specific purpose and, at the same time, also complement the facilitation of other policy elements.

#### Humane illicit drug policy

Such a comprehensive policy would be humane, because a coherent, encompassing, evidence-based policy is the most effective and sustainable way to reduce human suffering to a minimum.

The most successful means to reduce drug-related harm involves adopting a policy that incorporates a balanced use of measures from several key intervention strategies, including demand reduction, supply reduction, early intervention, treatment, rehabilitation, social re-integration and assistance with acute health problems.

## The third way in illicit drug policies

Drug-policy development, including the UNGASS 2016 process, is currently hampered by a focus on the false dichotomy of drug legalization and decriminalization on the one hand and fighting an endless, unwinnable war-on-drugs on the other hand. That polarized and dogmatic debate is counter-productive for the development of broad, balanced and humane illicit drug policy-making, for three reasons:

- It shrinks the policy space between the portrayed extremes, limiting the discussion to only a few options and eliminating a range of useful alternative approaches, for example the child-centered policy cornerstone.
- It constrains the many nuances normally present in policy discussions and promotes simplistic, populist solutions.
- It wrongly identifies many effective prevention interventions as part of the meaningless "war-on-drugs" policy argument.

In reality, plenty of middle ground exists. That "third way" is already in use by most governments and comes highly recommended by NGOs all over the world. Many effective policy options are available in the large space between the two extreme positions, and their support or implementation require no fundamental changes in UN Drug Conventions or in most national legislation.

#### Sources:

\*IOGT International Narcotic Drugs Policy

Dahlgren & Stere (2012) The Protection of Children from Illicit Drugs - A Minimum Human Rights Standard. A Child-centered vs. a User-centered Drug Policy

Dahlgren & Stere (2010) The right of children to be protected from Narcotic drugs and Psychotropic substances. A Human Right/ International law perspective.

Start with prevention - the most effective way to reduce drug harm (2015) Booklet by FORUT - Campaign for Development and Solidarity



IOGT International is the premier global interlocutor for evidence-based policy measures and community-based interventions to prevent and reduce harm caused by alcohol and other drugs.