

8 May 2019

Misuse of Drugs Amendment Bill ORAL SUBMISSION

- we **SUPPORT** the intent of the bill to allow consideration (but not requirement) of a health-based approach for certain cases of low-level and/or first-time drug use & possession. Both health and legal.
- we **OPPOSE** any change to the legal status of marijuana and other drugs (separate from the Class A drugs proposed in this bill) because of the significant health and addiction issues around recreational drug use, and the need for the law to reflect those and to protect society.
- we **CALL FOR** increases in resources and funding for both
 - drug prevention programmes, and
 - addiction and mental health services

The key aspect of our submission we wish to highlight is:

- **AS A SIGNATORY TO THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD THE BEST INTEREST OF THE CHILD OBLIGATES OUR DRUG POLICY TO BE CHILD CENTRED – NOT A USER CENTRED DRUG POLICY**

The problem with liberalisation of drug laws is that they centre upon the rights of the *user*, at the expense of the most vulnerable party in the community, the *child*. Article 33 of the *Convention on the Rights of the Child* reads as follows:

States Parties shall take all appropriate measures.. to protect children from the illicit use of narcotic drugs....

Stephan Dahlgren, a Swedish lawyer who has worked with UNICEF since 1994, says “*This means that human rights law is requesting from all states that the protection of the child from ever getting in contact with drugs shall be the prism through which national and international drug policy shall be crafted.*”

Protecting children from illicit use of drugs is not an **option** for States Parties to the CRC. It is an **obligation**.

The child’s interest to protection from illicit use of drugs shall always be the starting point for discussing drug policy. The perspective shall be child centred, as opposed to adult centred, or user centred.

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....

In the field of drugs policy, the question is “*how does this affect children’s right to protection from drugs*”. It shall be the starting point for all drug related discussions. Before stipulating e.g. that “*Health is the priority for drug policy*” decision makers SHOULD ask themselves: Is this the best way to ensure that children are protected against illicit use of drugs? If the answer is no the policy has to be re-thought....

A policy that puts reactive health before prevention seems to be user centred and out of step with Article 33 when considering the best interests of children and young people.

Ministry of Health figures gained under the Official Information Act in November 2018 show that 73 children have been hospitalised in the past five years either for poisoning or for mental and behavioural disorders due to the use of cannabis. That will increase if we liberalise the laws. This is over four times the number of hospitalisations compared to synthetic cannabis for the same age group. For all ages, more than 2,200 have been hospitalised for cannabis alone.

Finally, we have passed around some recent polling that has been done on this issue.

This shows that NZers are on the side of caution around this issue. While they are sympathetic to researching and allowing medicinal use (where proved effective and safe), they are not accepting a liberalisation of **recreational** use. They recognise the significant health and addiction issues and societal harms around recreational drug use. And I emphasise recreational, because pro-drug groups have built a strong smokescreen of confusion around terms such as medicinal, decriminalise, legalise. Some of the oral submitters last week expressed genuine need and concerns around the cannabis medicine aspect – but of course that is being covered under a separate law and regulations from this.

The [Canadian federal study](#) released at the weekend found a 27% increase in marijuana use among people aged 15 to 24 over the last year. Additionally, approximately 646,000 Canadians have reported trying marijuana for the first time in the last three months, an amount almost double the 327,000 that admitted to trying the drug for the same time period last year. 15% of marijuana users got behind the wheel of a car within two hours of using the drug.

Drug use is both a legal and a health issue – BUT a **public** health issue. That balance is so important.