

**Parliament of NSW Legislative Council
General Purpose Standing Committee No. 2**

Inquiry into drug and alcohol treatment

Eros Association Submission

Thank you for seeking comments for the inquiry into drug and alcohol treatment before the General Purpose Standing Committee No. 2.

The Eros Association is concerned that prohibition exacerbates problems rather than helps. The stigmatisation of consumers can lead to ideologically based treatment policy, rather than evidence-based policy. But foremost, the Eros Association understand that treatment for problematic consumers must come from an understanding that drugs are not inherently evil and are not going away.

Liberty:

The Eros Association respects and upholds the rights of individuals and not governments to have domain over their own consciousness. Understanding the need to hold cognitive liberty is one of our primary values. *“Nothing is more private, more intimate, more properly within the sphere of each individual's sovereignty than the interior environment of his or her own mind and intellect. The right of a person to liberty, autonomy and privacy over his or her own intellect is situated at the core of what it means to be a free person.”*¹

The 2010 National Drug Strategy Household Survey report outlines attitudes toward regular drug taking by adults, which shows that no one drug - including alcohol and tobacco - is accepted by the majority of respondents as 'acceptable'.²

Does this mean that everything which is only palatable to a minority should be prohibited, because the majority don't have a taste for it?

Clearly this is not the case, as there are a myriad of preferences which people have that are not a majority preference of Australians generally.

In fact, the United Nations International Covenant on Economic, Social and Cultural Rights notes in Article 12 that people have a, *“right to the highest attainable standard of health”* while also noting that, *“The right to health is not to be understood as a right to be healthy. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body.”*³

If something is not to the tastes and liking of the majority of the Australian population then this alone does not provide adequate justification for prohibition.

- 1 R. G. Boire, “Mind Matters”, Journal of Cognitive Liberties, vol 4/1 (2003), p. 10
- 2 Australian Institute of Health and Welfare, *National Drug Strategy Household Survey (2010)*, <<http://www.aihw.gov.au/publication-detail/?id=32212254712>>, p. 169, accessed 19 Mar. 2013
- 3 Committee on Economic, Social and Cultural Rights, 'The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)', <<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/40d009901358b0e2c1256915005090be?Opendocument>> accessed 14/03/13

Prohibition and harm:

Efforts to prohibit many psychoactive substances over the past 100 years has been deemed a failure, with policy makers across the world seeking reform. The Australia21 report, *“Alternatives to Prohibition”* addresses alternatives for regulation of illicit substances. The report suggests a move toward evidence-based policy, noting that, *“As much as we deplore it, we must learn to live in a world where some... people use drugs. All drug use is not inherently evil. We would be better off keeping the focus on reducing the harm caused by drugs and drug policy.”*⁴

Considering that there is substantial evidence showing that many currently illicit substances have a lower harm profile for both individual and societal harms when compared to legal drugs such as alcohol and tobacco⁵⁶⁷, it does not seem rational or consistent to suggest that currently illicit substances cause such a great amount of harm as to be deemed completely unacceptable to society.

The Australia21 report entitled, *“Alternatives to Prohibition”* recommends that the future for Australian drug policy should aim to minimise deaths, disease, crime and corruption arising from drug use and drug policy.⁸

Effective Treatment:

The Eros Association believes that mandatory treatment of those with alcohol or other drug problems needs to be very carefully handled, to ensure that what is essentially an ideological argument against illicit drug use is not utilised in order to forcefully 'treat' people with a perceived problem. Australia has an international obligation to uphold the, *“right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation.”*⁹

- 4 B. Douglas, A. Wodak, D. McDonald, *“Alternatives to Prohibition”*, Australia21 Roundtable on Illicit Drugs, 06/07/2012, p. 31
- 5 Prof. D. Nutt, L. King, L. Phillips, 'Drug harms in the UK: a multicriteria decision analysis', *The Lancet*, Volume 376, Issue 9752, pp. 1558-1565, 6 November 2010
- 6 *The Economist*, 'Scoring drugs', Nov. 2nd 2010, <http://www.economist.com/blogs/dailychart/2010/11/drugs_cause_most_harm> accessed 19/03/13
- 7 Taylor M, Mackay K, Murphy J, McIntosh A, McIntosh C, Anderson S, Welch K, *'Quantifying the RR of harm to self and others from substance misuse: results from a survey of clinical experts across Scotland'*, *BMJ Open*. 2012 Jul 24;2(4), <<http://bmjopen.bmj.com/content/2/4/e000774.full.pdf+html>> accessed 21/03/13
- 8 B. Douglas, A. Wodak, D. McDonald, 'Alternatives to Prohibition', *Australia21 Roundtable on Illicit Drugs*, 06/07/2012, p. 34
- 9 Committee on Economic, Social and Cultural Rights, 'The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)', <<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol>>

The political rhetoric around the use of illicit drugs often focuses on the false assumption that 'drug use' and 'drug abuse' are interchangeable.

The Eros Association believe that to effectively treat problems, it must be understood that the majority of those people who use an illicit drug do so for perceived beneficial reasons and do so without harm.

It is also vitally important that those who use an illicit substance are not subjugated to discrimination, marking them as people who necessarily require help or assistance. The discrimination is likely derived from, *"The dominant, conventional approach (which) has seen the media as a key force in the demonisation and marginalisation of drug users, as presenting lurid, hysterical images and as a provider of an un-critical platform from which politicians and other moral entrepreneurs are able to launch and wage drug 'wars'"*¹⁰

Global Drugs Survey founder Adam Winstock noted that, *"You need to start thinking about basing your policy and your services around the 80 to 90 per cent of people who use drugs"*¹¹

The Eros Association does not believe that currently illicit substances do not have inherent potential for risks. Rather, we believe that the risk potential is obfuscated when aligned with equally and more risky activities and lacks balanced qualification by largely focusing on negatives. Senior Lecturer in Criminology at the Liverpool John Moores University in England, Stuart Taylor, notes, *"We focus on addiction and negativity. We don't look at alien concepts like, do those who use drugs develop skills from their drug life that they take into their normal lives?"*¹²

Drug and alcohol education programs, funding and implementation should all take into consideration that which has been outlined above, in order to provide the most effective solution to the problems associated with drug and alcohol harms. There is an important separation between actively pursuing the reduction of harms associated with alcohol and drug abuse and actively pursuing a belief that any use of an illicit drug will result in harm and/or abuse.

%29/40d009901358b0e2c1256915005090be?Opendocument> accessed 14/03/13

10 S. Taylor, 'Outside the outsiders: Media representations of drug use', *Probation Journal* 2008 55:369, p. 370

11 A. Corderoy, 'The respectable drug-taker', *The Age*, March 16th 2013, <<http://www.theage.com.au/national/the-respectable-drugtaker-20130315-2g6c4.html>> accessed 24/03/13

12 O. Wannan, 'Benefits of drug use ignored, says lecturer,' *stuff.co.nz*, 04/12/2012 <<http://www.stuff.co.nz/national/health/8030331/Benefits-of-drug-use-ignored-says-lecturer>> accessed 24/03/13

“As much as we deplore it, we must learn to live in a world where some... people use drugs. All drug use is not inherently evil. We would be better off keeping the focus on reducing the harm caused by drugs and drug policy.”¹³

Thank you for the opportunity to contribute to this process.

¹³ B. Douglas, A. Wodak, D. McDonald, ‘Alternatives to Prohibition’, *Australia21 Roundtable on Illicit Drugs*, 06/07/2012, p. 31