**Human rights challenges in addressing and countering all aspects of the world drug problem; A case of Uganda Youth Development Link (UYDEL)**

All human beings are born free and equal in rights and dignity. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (Article 1 of the Universal Declaration of Human Rights 1948.) It is important to note that addiction is a disease. People who use drugs make up a considerably big population due to stigma, discrimination, social exclusion and criminalizing laws. Abuse of human rights of people who use drugs is extensive and some of the ways include; violations of bodily integrity treatment, dentation, torture, forced treatment and arbitrary arrests. In most countries, possessing drugs is criminalized prohibition and endemic prejudice on the part of those who enforce the law. Huge numbers of people who use drugs and are living with HIV but do not have access to the antiretroviral therapies (ART).

The issue of regulation of drug use made headlines with the recent enactment of the Narcotic Drugs and Psychotropic Substances (Control) Act of 2015 in Uganda. This Act introduces a much more rigorous and criminal law based legal regime governing drug use and clearly domesticates the international ‘war on drugs.’ The war on drugs has negative implications of the individual users of drugs who are harassed, forced to hide, and regarded as unapprehend criminals. In particular, the criminalization of individual drug use is viewed to increase the vulnerability of this group to numerous negative socio-economic outcomes, including a severely heightened risk of HIV infection. The adoption of the National Drugs and Psychotropic Substances (Control) Act proceeded largely without rigorous consideration of the probable human rights implications of this Act on a person who uses Drugs.

The current regulatory framework for drug use in Uganda has adopted a primarily criminal approach rather than a public health approach to the issue of drug use in Uganda. Persons Who Use Drugs are thus viewed primarily as criminals whose conduct has to be severely penalized if the use of drugs is to be deterred and eventually eliminated.

Even where the law recognizes and reflects the need for health services for Persons Who Use Drugs, this is not only insufficiently elaborated, but also firmly placed within the broader structure of criminal and penal law. For instance, for a Persons Who Use Drugs to access the rehabilitation services envisaged under the National Drugs and Psychotropic Substances (Control) Act, they must have been convicted of an offence under that Act. Even then, access to those services is not automatic, but depends on the discretion of the judicial officer in question.

The current approach to drug use has criminalized persons who should otherwise have been provided with access to essential services necessary for them to achieve the highest standard of physical and mental health. In this way, the law as it is has had a direct adverse impact on the lives and health of Persons Who Use Drugs in Uganda, and constitutes a violation of the right to health of these persons.

Secondly, the enforcement of the current criminal law regime has been harsh and excessive both in terms of the legal provisions upon which prosecutions and convictions have been predicated, but also in terms of the manner in which arrests have been carried out. Law enforcement officials have mainly relied on nuisance and vagrancy laws to harass and intimidate Persons Who Use Drugs, and have also been brutal in their treatment in the criminal justice process. This approach has had significant adverse implications for a range of human rights of Persons Who Use Drugs, including the rights to life; freedom from torture; liberty; access to justice; to a fair trial and related rights. The enforcement of the current legal framework, therefore, is inconsistent with Uganda’s international, regional and domestic human rights obligations.

Finally, although the regulatory regime appears neutral on its face, the reality is that in effect, it has operated mainly against lower income individuals, who have borne the brunt of harassment, intimidation, beatings, arrests, convictions and general humiliations under the law. Persons Who Use Drugs from middle and upper income brackets have, on the other hand, had very limited interaction with the criminal justice system, and even in those cases, have been treated substantially better than those from lower income backgrounds. This reality reveals that, as was the case with the historical prohibition and criminalization of drug use in other jurisdictions, the criminal law against drug use in Uganda essentially serves the purpose of social control, in which classes of persons deemed ‘undesirable’ are targeted and brutalized using the agency of facially-neutral law. This constitutes discrimination based on socio-economic status and is a violation of Uganda’s domestic, regional and international human rights obligations in this regard.

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