



Komitet Sterujący: Marta Gaszyńska – przewodnicząca,
Grażyna Konieczny, Agnieszka Sieniawska, Mirosława
Straburzyńska, Jacek Charmast, Mateusz Klinowski,
Grzegorz Wodowski, Marek Zygałto

Grzegorz Schetyna

Marshal of the Sejm of the Republic of Poland

4/6/8 Wiejska str.,

Warsaw

5 January 2011

Dear Sir,

We write to request the acceleration of legislative proceedings on the project to amend the drug law.

Poland has one of the most restrictive drug policies in Europe today. In 2000, the Drug Law was amended to penalise possession of any quantity of illegal psychoactive substances. This meant that even the possession of 1 g of marihuana could be punished with a prison sentence of up to 3 years. Introducing such restrictive legal regulations (in Europe, only Belarus has a more rigorous law) was aimed at increasing the effectiveness of the police in tackling the drug trade. 10 years of the current drug law show that this amendment has neither helped to decrease levels of drug use, nor reduce the amount of drug-related crime. In fact, it has done more harm rather than good. Between 1999 and 2007, **the number of drug possession cases has risen by 1,500%**. Research shows that it is mainly young people, with no links to organized crime, who are being punished for possessing small amounts of marihuana. **According to data from the Institute of Public Affairs, 2009, about 80 million zlotys (20 million euro) is spent every year to implement the current drug law.**

Currently, a governmental draft legislation project to amend the current drug law is waiting for review by the parliamentary commission. This draft law is extremely important as it represents the first attempt to change the drug strategy which has been used in Poland for the past decade. In our opinion, the current strategy fails to solve drug-related problems and has instead led to harmful consequences increasing. Poland not only has **the lowest rate of drug dependent persons receiving effective treatment and the highest rates of drug dependent persons being sentenced** (almost 9,000 every year), in Europe. There has also been a **dynamic increase in drug use, a legal high market has emerged, and the justice system is overloaded with minor criminal cases.**

In order to limit the repressive scale of the Polish Drug that targets drug users and to remove the need to conduct court proceedings in minor criminal cases, as well as to increase the punishment for possessing substantial amounts of illegal substances, the Ministry of Justice has suggested amendments to the current drug law. It is suggested that Article 62 should be followed by the provision cited below:



Komitet Sterujący: Marta Gaszyńska – przewodnicząca,
Grażyna Konieczny, Agnieszka Sieniawska, Mirosława
Straburzyńska, Jacek Charmast, Mateusz Klinowski,
Grzegorz Wodowski, Marek Zygałto

*art. 62a. If the object of the criminal action referred to by Article 62, paragraph 1 or 3, are petty amounts of psychoactive substances **for personal use by the suspected offender**, proceedings can be discontinued, also before the decision to initiate a criminal case, provided that the conviction of the offender would be otherwise not judicious taking into consideration the circumstances of the crime and its social harmfulness.*

It is vital to initiate a debate concerning the rationality of the Polish Drug Law and to conduct legislative proceedings in order to change the current law. Taking the above into consideration, we request that a date is set for the first hearing of the draft law by parliamentary.

Sincerely,

The Steering Committee of the Polish Drug Policy Network

Signatories:

The Social AIDS Committee (SKA)

Krytyka Polityczna (a left-wing circle of intellectuals and activists in Poland)

JUMP 93 Association (appointed by the methadone patients)

Inspiratornia Foundation

Sieć Plus (Polish Network of People Living with HIV / AIDS)