Release submission EMLER 2026: Systemic racism against Africans and people of African descent in the enforcement of drug laws and policies

1. Release is the UK's centre of expertise on drugs and drug laws, working to advance the human rights of people adversely impacted by the policing and criminalisation of drug use.[1]

2. Release has published extensive research on how drug law enforcement drives systemic racism against Black people in the UK. Release's 2013 report on ethnic disparities in the policing and prosecution of drug offences was the first publication to comprehensively address how racialised over-policing, particularly stop and search, is instrumentalised by drug laws,[2] with a follow-up publication in 2018.[3] The organisation has updated the relevant data in subsequent submissions to national and international consultations.[4]

3. The research we have undertaken reflects findings from other jurisdictions that drug laws act as a tool of social and racial oppression, perpetuating state violence against Africans and people of African descent.[5] In this submission we use "Black" to refer to Africans and people of African descent as this is widely considered to be the appropriately terminology in the UK-context, to which most of our evidence pertains.

4. We encourage the Expert Mechanism to recognise that an essential step in eliminating racial discrimination within the context of drug policy reform is to bring drug policies in line with recognised human rights principles and standards. This must include the decriminalisation of drug use and other low-level offences, and the establishment of legally regulated markets that operate on principles of social and racial equity. These

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[1] The organisation provides legal advice, representation, and drugs advocacy, to people who use drugs, those at risk of dependency, and those disproportionately affected by drug law enforcement, alongside campaigning for evidence-based drug policies grounded in human rights, public health, and social and racial justice. Release is an NGO with Special Consultative Status with the Economic and Social Council of the United Nations.

[2] Release (2013) The numbers in black and white: ethnic disparities in the policing and prosecution of drug offences in England and Wales. London: Release. Available at: https://www.release.org.uk/publications/numbers-black-and-white-ethnic-disparities-policing-and-prosecution-drug-offences

[3] Release (2018) The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales. London: Release. Available at: https://www.release.org.uk/publications/ColourOfInjustice

[4] Release, IDPC, Amnesty International, HRI, Unjust UK (2024) Submission to the United Nations Committee on the Elimination of Racial Discrimination- CERD's 113th session of the United Nations Committee on the Elimination of all Forms of Discrimination, August 2024. Available at: https://www.release.org.uk/publications/submission-committee-elimination-racial-discrimination; Release (2020) Written Submission to the Commission on Race and Ethnic Disparities on Ethnic disparities and inequality in the UK. Available at: https://www.release.org.uk/publications/written-submission-commission-race-and-ethnic-disparities-ethnic-disparities-and

[5] ACLU (2026) The War on Marijuana in Black and White. New York, ACLU. Available at https://www.aclu.org/the-war-on-marijuana-in-black-and-white & Amnesty International (2025) Brazil: Police massacre in Rio de Janeiro is evidence yet again of systemic and racist violence. Available at https://www.amnesty.org/en/latest/news/2025/11/brasil-masacre-policial-en-rio-de-janeiro-evidencia-nuevamente-violencia-sistemica-y-racista/

should seek to repair some of the damage done to racialised communities who have experienced over-policing, over-criminalisation, over-incarceration and state violence.[6]

The design of drug laws and policies and the root causes of systemic racism in drug policy enforcement:

5. Systemic racism in drug policy enforcement is not a flaw but a feature of drug laws and policies, born from the original motivator to design international drug controls: imperialism and colonialism. Early international control efforts, including the 1909 Shanghai Opium Commission, were shaped not out of concern for the welfare of those most harmed by the drug trade but rather produced to enable different imperialist powers to continue to control the terms of trade.[7] [8] Domestically countries such as the US and the UK implemented drug prohibition as a way of targeting newly arrived immigrants and, in the case of the US, to target Black Americans.[9]

6. Today, the harms of the international drug regime continue to be concentrated amongst people of the Global Majority.[10] Drug policy's distinctions between forms of drug use treated as deserving of care and those treated as deviant continue to reflect racialized logics that associate white bodies with innocence and Black or otherwise racialized bodies with criminality.[11]

7. In the U.K., systemic racism in drug enforcement is visible not only in the disproportionate policing and sentencing of Black people, but also through carceral narratives and evidential practices surrounding drug offences.

8. The "county lines" narrative – which is a term coined by police agencies in the UK to describe drug supply chains - has often been deployed in ways that construct Black boys and young men as gang-associated, inherently suspect, and primary vectors of drug-

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[6] Release (2022) Regulating Right, Repairing Wrongs: Exploring Equity and Social Justice Initiatives within UK Cannabis Reform, London: Release. Available at: https://www.release.org.uk/publications/cannabis-regulating-right

[7] Eliason, A. and Howse, R. (2020) 'Towards Global Governance: The Inadequacies of the UN Drug Control Regime', *AJIL Unbound*, 114, pp. 291–295. doi:10.1017/aju.2020.57.

[8] Koram, K. (2019). Introduction. In K. Koram (Ed.), *The War on Drugs and the Global Colour Line* (1st ed., pp. 1–22). Pluto Press. https://doi.org/10.2307/j.ctvdmwxn7.4

[9] Earp, B. D., Lewis, J., Hart, C. L., Bioethicists and Allied Professionals for Drug Policy Reform, & Brassington, I. (2021). Racial Justice Requires Ending the War on Drugs. The American Journal of Bioethics, 21(4), 4-19. https://doi.org/10.1080/15265161.2020.1861364 & Yates, Rowdy. (2020). A brief history of British drug policy: 1850-1950. Therapeutic Communities: The International Journal of Therapeutic Communities. ahead-of-print. 10.1108/TC-11-2019-0013.

[10] Daniels, C., Aluso, A., Burke-Shyne, N., Koram, K., Rajagopalan, S., Robinson, I., Shelly, S., Shirley-Beavan, S., & Tandon, T. (2021). Decolonizing drug policy. *Harm reduction journal*, *18*(1), 120. https://doi.org/10.1186/s12954-021-00564-7

[11] Lindsay, S.L. and Vuolo, M. (2021) 'Criminalized or medicalized? Examining the role of race in responses to Drug use,' *Social Problems*, 68(4), pp. 942–963. https://doi.org/10.1093/socpro/spab027.

related harm who require saving from themselves,[12] while obscuring the structural inequalities and exploitation that shape many forms of low-level supply.[13]

9. Additionally, the racist practice of 'adultifying' Black children denies Black youth from benefitting from the narrative of victimhood, as these children are often prosecuted as perpetrators in practice.[14] According to the Children's Commissioner, Black children are almost eight times more likely to be strip-searched by police, usually on suspicion of drugs possession.[15]

10. Relatedly, the use of rap and drill in criminal proceedings contributes to the construction of Black cultural expression as evidence of dangerousness, gang affiliation, or criminal propensity[16]. In 2017, over two-thirds (78%) of individuals on London's "Gang Matrix"- a database of suspected gang members - were Black, though only 27% of those responsible for serious youth violence are Black. [17]

11. Class and race are also deeply entangled in the UK[18] and the racist logics of drug controls can be seen in the contrast between the criminalisation of recreational cannabis and the availability of largely privately prescribed cannabis-based products for medicinal use. The differing legal status of the same psychoactive component in different use-contexts demonstrates that the substance itself is not the problem. As access to lawful drug consumption is mediated through medical authority, financial means, and institutional discretion, there are compounding gatekeeping mechanisms in place which exclude Black British people from escaping racist drug controls through a narrow legal route for possession.

The disproportionate and discriminatory impacts of enforcement:

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[12] Koch, Insa Lee, 'County Lines as Modern Slavery: Saving Vulnerable Communities 'From their Own Kind'', *Drugs, Race, and the Politics of Modern Slavery Law: When Enemies Become Victims*, Clarendon Studies in Criminology (Oxford, 2026; online edn, Oxford Academic, 5 Jan. 2026), https://doi.org/10.1093/9780198899631.003.0002, accessed 21 Apr. 2026.
[13] Spicer, J. (2020) 'Between gang talk and prohibition: The transfer of blame for County Lines,' *International Journal of Drug Policy*, 87, p. 102667. https://doi.org/10.1016/j.drugpo.2020.102667.
[14] Koch, I., Williams, P. and Wroe, L. (2023) ''County lines': racism, safeguarding and statecraft in Britain,' *Race & Class*, 65(3), pp. 3–26. https://doi.org/10.1177/03063968231201325.
[15] Children's Commissioner (2026) Police powers and children – strip searching and use of force, April 2026. https://assets.childrenscommissioner.gov.uk/wpuploads/2026/04/CC-police-powers-on-children-strip-search-and-use-of-force.pdf
[16] Quinn, E. (2024) 'Racist inferences and flawed data: drill rap lyrics as criminal evidence in group prosecutions,' *Race & Class*, 65(4), pp. 3–25. https://doi.org/10.1177/03063968241234539.
[17] Amnesty International (2018) *What is the Gangs Matrix? https://www.amnesty.org.uk/knowledge-hub/all-resources/london-trident-gangs-matrix-metropolitan-police*
[18] Khan, O. and Runnymede (2020) *The colour of money*, *Runnymede Report*. https://assets-global.website-files.com/61488f992b58e687f1108c7c/61bcc1c736554228b543c603_The%20Colour%20of%20Money%20Report.pdf.

12. In the U.K., the disproportionate and discriminatory impact of the drug laws on Black people is manifest at every stage of enforcement and sentencing, from police operational decisions, encounters in public space, stop and searches, through to post-conviction consequences. It reinforces broader patterns of systemic racism within criminal legal systems.

13. The Committee on the Elimination of Racial Discrimination (CERD) stated in its concluding observations in its 2024 review of the UK that: *"*[...] *it is concerned about reports that members of ethnic minorities are disproportionately arrested, sentenced to prison and subjected to joint enterprise and drug-related prosecutions and to the use of conductive energy devices, known as "tasers"* (para. 35). CERD recommended that the UK "r*evise laws and policies and refrain from practices resulting in disparate impacts among ethnic groups, including those related to joint enterprise and drug offences"* (para. 36).[19]

14. Suspicion-based drug policing remains a central mechanism through which racialised surveillance occurs. Police officers are granted wide discretion under section 23(1) of the Misuse of Drugs Act to stop and search any person if they have "*reasonable grounds to suspect*" drug offences, including possession.[20] This is a combined subjective and objective test, providing significant scope for discretion; it could be met solely because of "*some specific behaviour*" by the person stopped,[21] for example "smell of cannabis".

15. In 2024, 61% of the 522,670 suspicion-based stop and searches were drug-based (a small increase from the previous year's still significant figure of 59.7%).[22] Of these searches 29.3% result in drugs being found on the person, with only 12% of this number leading to arrest.[23]

16. In 2023, there were 21.18 drug stop and searches for every 1000 Black people in England and Wales, with Black people five times more likely to be stopped for drugs than white

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[19] United Nations Committee on the Elimination of Racial Discrimination (2024) CERD/C/GBR/CO/24-26 Concluding observations on the combined 24th to 26th periodic reports of the United Kingdom of Great Britain and Northern Ireland. Available at: https://digitallibrary.un.org/record/4062539?v=pdf (Accessed: 21 April 2026).

[20] *Misuse of Drugs Act 1971 c.38.* Available at: https://www.legislation.gov.uk/ukpga/1971/38/section/23

[21] Home Office (2023) *PACE Code A 2023 (accessible)*. Available at: https://www.gov.uk/government/publications/pace-code-a-december-2023/pace-code-a-2023-accessible (Accessed: 21 April 2026).

[22] Home Office (2025) Police Power and Procedures: Stop and Search Summary Data Tables (Table 5.03). Available at: https://assets.publishing.service.gov.uk/media/6909d5489456634d9795fd2f/stop-search-data-tables-summary-mar25.ods (Accessed: 23 April 2026)

[23] Home Office (2025) Police Power and Procedures: Stop and search, arrests and mental health detentions, England and Wales, year ending 31 March 2025. Police powers and procedures: Stop and search, arrests and mental health detentions, England and Wales, year ending 31 March 2025 - GOV.UK

people.[24] Release's research has consistently demonstrated that drug searches drive stop and search, with persistently high rates of racial disparity. Our first report found that in 2012/13 in England and Wales that Black people were 6 times more likely to be stopped for drugs compared to white people,[25] and 2016/17 it was 9 times more likely.[26] This is despite repeated Government surveys that show Black people are less likely to use drugs than the white population.[27]

17. Whilst there have been efforts in the UK to reduce the use of stop and search and associated racial disparities, any reduction has largely benefitted white people. Release's research showed racial disparities increased following significant falls in stop and search between 2010/11, when there were 1.2 million searches, and 2016/17 when they fell to 303,228.[28] Shockingly, arrests from drug searches halved for white people between 2010/11 and 2016/17 but were maintained for Black people.

18. Additionally, our 2018 report analysed drug stop search data across the 32 London boroughs. It found that high rates of searches (intensity) occurred in deprived areas of the Capital, yet the higher rates of racial disparities occurred in affluent areas, demonstrating both geographically and individual profiling.[29] In London, a recent study by the Mayor of London's Office for Policing and Crime determined a Black person was up to 48 times more likely to be searched in some London boroughs.[30] Given that drug-based searches form the bulk of stop and search, it is highly probable that this is, at least in part, fuelled by drug policing.

19. Where there have been attempts at guidance or reform of stop and search, the above shows there is little to no discernible impact. PACE Code A, which governs stop and search, has always prohibited personal factors as the basis of suspicion[31]. Police policy, since 2013, has been that use of the smell of cannabis as a reasonable ground is not good practice, given "*there was a difference in find rates for black people (29%) compared to*

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[24] Home Office (2023) Stop and search summary data tables: police powers and procedures, year ending 31 March 2023 (second edition). Available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F65ef2cd562ff4898bf87b2e3%2Fstop-search-data-tables-summary-mar23-second-edition.ods (Accessed: 21 April 2026).
[25] Loc. Cit. 2
[26] Loc. Cit. 3
[27] Office of National Statistics (2025) Drug misuse in England and Wales – Appendix table: Table 3.01. https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/drugmisuseinenglandandwalesappendixtable
[28] Loc. Cit. 3
[29] Loc. Cit. 3
[30] Greater London Authority (2026) Final Stop and Search Disproportionality Report (9 March 2026). London: Mayor of London. Available at: https://www.london.gov.uk/sites/default/files/2026-03/Final_Stop%20and%20Search%20Disproportionality_09032026.pdf (Accessed: 21 April 2026).
[31] Home Office (2023) *PACE Code A 2023 (accessible)*. Available at: https://www.gov.uk/government/publications/pace-code-a-december-2023/pace-code-a-2023-accessible (Accessed: 21 April 2026).

white people (37%), leading to a conclusion that weaker grounds might be used to search black people".[32] Yet the Independent Office on Police Conduct still identified widespread use of the smell of cannabis for stop and search in 2022.[33] Evidently, police continue to use discriminatory policing notwithstanding guidance to the contrary.

20. Drug enforcement practices expose Black people to heightened risks of violence because of the heightened likelihood of police encounters. This includes the use of strip searches and other intrusive search practices, including the exposure of intimate body parts to search for drugs, with Black people accounting for 46% of this most intrusive type of search in some areas of London in 2023[34]; higher rates of arrest and detention for drug offences that are more likely to result in escalation rather than diversion; and the use of force during stops, arrests, and raids, with Black people 3.4 times more likely to experience force than white people[35] and more likely to suffer prolonged use of tasers, which can be life-threatening.[36]

21. The racially skewed data resulting from the widespread use of drug-based stop further facilitates over-policing in the form of predictive policing. For example, Essex Police's predictive policing Knife Crime and Violence Model assigns risk scores to individuals based on an undefined drug warning marker and prior *suspicion* – not conviction – for drug offences.[37] The above statistics show that police are considerably more likely to consider a Black person a suspect for drug offences.

22. Avon and Somerset Police's Offender Management App also profiles people deemed "*linked to an offender*"; this includes suspects, *possible* suspects, recipients of non-criminal fines, and participants in drug education programmes, or arrest (even if no

[32] London Assembly (2023) Stop and search based on smell of cannabis. Available at: https://www.london.gov.uk/who-we-are/what-london-assembly-does/questions-mayor/find-an-answer/stop-and-search-based-smell-cannabis-2 (Accessed: 21 April 2026).
[33] Independent Office for Police Conduct (IOPC) (2022) IOPC calls for stop and search law change and identifies 18 opportunities for improvement. Available at: https://www.policeconduct.gov.uk/news/iopc-calls-stop-and-search-law-change-and-identifies-18-opportunities-improvement (Accessed: 21 April 2026).
[34] Banatvala, S. (2023) Is disproportionate use of stop and search in racialised communities changing? SWLondoner, 24 February. Available at: https://www.swlondoner.co.uk/news/24022023-is-disproportionate-use-of-stop-and-search-in-racialised-communities-changing (Accessed: 21 April 2026).
[35] Independent Office for Police Conduct (IOPC) (2024) *Race discrimination report*. November 2024. Available at: https://www.policeconduct.gov.uk/sites/default/files/documents/iopc-race-discrimination-report-November-24.pdf (Accessed: 21 April 2026).
[36] Independent Office for Police Conduct (IOPC) (2024) *Race discrimination report*. November 2024. Available at: https://www.policeconduct.gov.uk/sites/default/files/documents/iopc-race-discrimination-report-November-24.pdf (Accessed: 21 April 2026).
[37] Essex Police (2021) Knife Crime and Violence Model – Fearless Futures: Specific Privacy Notice. Available at: https://www.essex.police.uk/police-forces/essex-police/areas/essex-police/au/about-us/privacy-notices/knife-crime-and-violence-model--fearless-futures/ (Accessed: 21 April 2026).

evidence to charge).[38] West Midlands Police's predictive model profiles individuals based, among other things, directly on stop and search and data.[39] For reasons outlined above, Black people represented the highest proportion of arrests following stop and search in 2022/3.[40] These models rely on information that represents the systemic racism in drug law enforcement, thus yielding identical problems.

23. Discriminatory enforcement results in unequal outcomes, with consistent evidence of disparities in the use of out-of-court-disposals compared to a criminal charge. Black people are less likely to receive diversionary measures and more likely to face arrest, prosecution, and custodial sentences for comparable drug-related conduct.[41]

24. Black women are also disproportionately imprisoned for drugs offences, threatening their right to equality before the law.[42] A 2016 Ministry of Justice review found they were 2.3 times more likely to receive a custodial sentence for drugs offences compared to white women – the highest rate of disparity within the system for all offences, all genders, and all races.[43]

25. These enforcement patterns entrench cycles of criminalisation, marginalisation, and socio-economic exclusion. Post-conviction collateral consequences compound these harms. Convictions for drug offences can lead to long-term barriers to employment, education, housing, and access to public benefits, deportation of citizens[44], as well as disenfranchisement and surveillance through probation or parole. These consequences disproportionately affect Black people and undermine prospects for social reintegration, amplifying existing racial inequalities.

The way forward:

26. The widespread and systemic racism in drug law enforcement calls for urgent drug policy reform. It is our view that this can only be achieved with decriminalisation of low-level

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[38] Amnesty International UK (2025) Automated racism: How police data and algorithms code discrimination into policing. London: Amnesty International UK. Available at: Download report (Accessed: 21 April 2026).
[39] Amnesty International UK (2025) Automated racism: How police data and algorithms code discrimination into policing. London: Amnesty International UK. Available at: Download report (Accessed: 21 April 2026).
[40] Ministry of Justice (2024) Ethnicity and the Criminal Justice System 2022. Available at: https://www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022 (Accessed: 21 April 2026).
[41] Loc. Cit. 3
[42] Article 7. United Nations (1948) Universal Declaration of Human Rights. Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights (Accessed: 31 March 2026)
[43] Ministry of Justice (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales, 2016, ttps://assets.publishing.service.gov.uk/media/5a75928440f0b6360e475224/bame-disproportionalityin-the-cjs.pdf
[44] De Noronha, L (2020) *Deporting Black Britons: Portraits of deportation to Jamaica.* Manchester: Manchester University Press

offences, such as possession, cultivation, and low-level supply, legalisation, and expungement of criminal records.

27. Research from the US has found that decriminalization of cannabis possession offenses resulted in more than a 50 per cent reduction in arrests for Black people, with arrests falling from 810 arrests to 361.4 per 100,000 of the population between 2008 and 2019, with racial disparities falling although not eliminated. In states where cannabis is regulated the arrest rate fell from nearly 600 arrests per 100,000 of the population for Black adults to 38 arrests per 100,000 of the population, racial disparities significantly fell.[45]

28. In the absence of these reforms, it is highly likely that Black communities will remain subject to unequal drug law enforcement. As has been outlined, racial disparities are not an unintended consequence of drug criminalisation but a design feature.

29. In the UK context, attempts at police reform have had extremely limited impacts of the systemic racism in drug law enforcement. Even where there have been innovations, such as police-led diversion schemes departing from criminalisation, these have still seen issues of racial inequality. Many of these schemes rest on discretionary police assessments of an individual's likelihood to reoffend, or history of offending. This is likely to disadvantage Black people, whom the police may consider more likely to commit crime and are more likely to have been criminalised previously.

30. Evidence also shows that even where there are softening of criminal approaches – for example, a change from a criminal sanction to a warning – this can lead to net-widening that falls heavily on racialised communities. In the U.K., the introduction of cannabis warnings led to overall police encounters going up, particularly for Black communities, with Black people 3 times more likely to get a cannabis warning than white people (and still 5 times more likely to be charged and thus face a criminal conviction).[46]

31. Police-led reforms, such as those described as "harm reduction policing" (e.g. referring individuals to treatment or administering naloxone), do not prevent the over policing of racialised communities and/or those from lower socio-economic backgrounds. They also position police in quasi-social worker roles for which they are not equipped, and which to operate effectively demand trust. This trust is highly challenging to establish

[45] Sheehan B.E., Grucza R.A., Plunk A.D. (2021) 'Association of Racial Disparity of Cannabis Possession Arrests Among Adults and Youths With Statewide Cannabis Decriminalization and Legalization' JAMA Health Forum 29;2(10):e213435. doi: 10.1001/jamahealthforum.2021.3435.
[46] Release (2018) Race disparity report: The Colour of Injustice – 'Race', drugs and law enforcement in England and Wales. London: Release. Available at: https://www.release.org.uk/sites/default/files/pdf/publications/Release%20-%20Race%20Disparity%20Report%20final%20version.pdf (Accessed: 21 April 2026)

where there is a history of over policing and police violence,[47] as well as the possibility of a switch from support to punishment. Police models remain rooted in police discretion, which is highly susceptible to racialised outcomes. This is more of a risk than ever with the rise of predictive policing.

32. In the context of the systemic racism found in criminal framework, decriminalisation represents an opportunity to remove one of the key instruments that result in inequity.

33. Though decriminalisation often refers solely to personal use, there are international precedents of decriminalising supply, such as in Spain, where the notion of personal possession is more encompassing, and other European co-operative models.[48]

34. Informal supply between people who use drugs (often termed "social supply") is a common practice that arises from joint purchase of drugs and using drugs together. Given the history of Black people facing harsher consequences for drug offences, it seems probable that a system that distinguishes inflexibly between personal possession and supply would see Black communities still be criminalised under supply offences on the basis of, for example, social supply, despite this being common among people who use drugs generally.

35. Likewise, low-level supply for financial gain is often occurring in isolation of any other serious criminal offences and providing an economic opportunity for individuals where there are limited financial resources or opportunities, or who may face barriers to employment because of racialised criminalisation. These individuals must not be left behind by drug law reforms, if those reforms are to address systemic racism in drug law enforcement.

36. Legalisation of drugs refers to the regulation of multiple drug-related activities and the drug supply chain. It often goes hand in hand with decriminalisation, in which case it removes police involvement not only from possession but supply.

37. Legalisation models grounded in social equity can enable individuals in the drug trade to move to a regulated market and be paired with the expungement of drug-related criminal records. Several such models have focused on participation of racialised people as key to the reparative justice elements of drug policy reform. For example, in Virginia, U.S., there are social equity cannabis licences, which include individuals who have cannabis-related criminal records.[49] In New York State, a significant percentage of cannabis taxes

[47] Brown, R. (2023) *Trust in the police*. UK Parliament. https://researchbriefings.files.parliament.uk/documents/POST-PN-0693/POST-PN-0693.pdf
[48] Marks, A. (2015) The legal landscape for cannabis social clubs in Spain. Civil Observatory on Drug Policy. Available at: https://observatoriocivil.org/en/the-legal-landscape-for-cannabis-social-clubs-in-spain/ (Accessed: 21 April 2026).
[49] Loc. Cit. 6

are diverted to communities who have experienced over-policing and mass incarceration.[50] This goes some way to address the harms of criminalisation on Black communities.

Conclusion and recommendations:

38. Release respectfully recommends that drug decriminalisation which aligns with the principles outlined in the UNAIDS Guidance of Drug Decriminalization,[51] that is, reducing or eliminating the role of police and removing any punishment related to drug possession and other low-level offences, be a focus of the EMLER's report.

39. Drug legalisation and regulation, that is focused on improving public health outcomes and incorporating principles of social equity are a key step towards addressing the problems outlined in this submission. Reparations must be a core element of any model of regulation, using taxes to support communities who are experiencing structural racism and poverty, providing transitional opportunities for those involved in the illicit market due to economic disadvantage, and extinguishing criminal convictions for activities that would be legal under these frameworks.

40. Any recommendations on drug law reform should also be explicit that reform should align with human rights principles, recommendations should be gender and age inclusive.

41. Whilst drug law reform is fundamental to removing the tools that drive much of the harm in the criminal legal system, reforms must sit squarely beside deeper discussions about policing, especially in parts of the world where institutional racism is a key feature of policing bodies and structures.

End.

[50] Loc. Cit. 6

[51] UNAIDS, UNDP, INPUD, International Centre on Human Rights & Drug Policy (2026), Decriminalization of drug use in the context of HIV: a guidance note Creating an enabling legal environment for the HIV response for people who use drugs, https://www.unaids.org/en/resources/documents/2026/20260310_Decriminalization-drug-use-HIV