

Minister for Drugs and Alcohol Policy
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7 July 2023

Dear Convenors,

I am writing to make you aware of the Scottish Government's recent publication of 'A Caring, Compassionate and Human Rights Informed Drug Policy for Scotland'. This paper outlines policies which could be implemented through the devolution of further powers to Holyrood, including powers to change the criminal law on the use of drugs; wider constitutional changes such as Scottish independence; or more simply, through changes taken forward by the UK Government.

It commits to ensuring that any new drug laws are based on the best available evidence of the harms drugs cause, and are supportive of the human rights informed, public health approach we as a Scottish Government have committed to.

This approach underpins our National Mission to improve and save lives. We are working incredibly hard within the powers we have to reduce drug deaths, and while

there is more we need to do, our public health approach is simply at odds with the legislation we have to operate within.

It is for this reason that we have chosen to set out an alternative which is ambitious, progressive, and radical, one which is grounded in evidence from around the world and aligned to our values.

Among the proposals are:

- Immediate legislative changes to support harm reduction – such as creating a statutory framework under which supervised drug consumption facilities (SDCF) could operate, approving a network of drug checking facilities and increasing access to harm reduction approaches such as the provision of drug paraphernalia.
- Changes beyond the Misuse of Drugs Act 1971, including widening access to the lifesaving drug naloxone; utilising existing licensing powers to enable and actively encourage a full suite of treatment options; and, removing the exemption in regulation 3 of the Equality Act 2010 (Disability) Regulations 2010 which excludes addiction from the long-term health conditions covered by the protected characteristic of disability.
- Decriminalisation of all drugs for personal use, progressed as part of a wider review of drug laws. A transition supported by the Common Position of the UN Chief Executives Board.
- A roadmap for further exploration of drug law reform, focused on evidence and the reduction of harm, including updating the drug classification system to be based on harm rather than cultural norms and political discourse and engaging with experts and citizens on options such as the strict regulation of substances.

This paper will be launched today at an event hosted by the Global Commission on Drugs Policy (GCDP). My predecessor the Minister for Drugs Policy invited the GCDP to hold their AGM in Scotland, which presents a unique opportunity to explore our drug laws with experts from around the world.

The GCDP was created in January 2011 by a group of personalities from the Americas and Europe, including former Heads of State who wish to inspire better drug policy globally. It has since expanded to include global leaders from the political, economic and cultural arenas, aware of the failure of the current drug control regime, who advocate for drug policies based on scientific evidence, human rights, public health, and security, leaving no-one behind.

It is unfortunate that the GCDP chose to hold their AGM within Parliamentary recess and it was therefore not possible to debate the paper fully in the Chamber. However, I will commit today to bring a debate to the parliament, in Government time, after summer recess, to allow for appropriate scrutiny of the proposals. I will of course also make myself available should the committee, or indeed individuals MSPs, wish to discuss the proposals in greater detail.

I look forward to working with you on these important issues and hope the committees will agree with me that we need to use every tool available to us in responding to this drug deaths crisis. This must include reforming our outdated drugs laws to better suit the challenges of the 21st century, and to help and support not criminalise our most vulnerable people.

A Caring, Compassionate and Human Rights Informed Drug Policy for Scotland is available here - <https://www.gov.scot/isbn/9781835210093>

Kind regards,

A handwritten signature in black ink, appearing to read 'Elena Whitham', written in a cursive style.

Elena Whitham MSP
Minister for Drugs and Alcohol Policy