

## HUMAN RIGHTS WATCH

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August 3, 2005

President Viktor Yushchenko  
President direct mail  
Bankova Street 11,  
Kiev-220, 01220  
Ukraine

*Via Fax: +38 044 253 0653 / 38 044 254 0522*

Dear President Yushchenko:

We write to express our deep concern about proposed amendments to Ukraine's drug classification tables, which would revise the standards for criminal possession of illicit drugs to criminalize the possession of very small amounts of certain narcotics. These amendments, proposed by Ministry of Health draft order "On Amending the Tables of Small, Large and Especially Large Amounts of Narcotic Drugs in Illegal Circulation," would reduce by a factor of twenty the amount of acetylated opium (one of the most common home-made preparations of opium in Ukraine) that would subject individuals to imprisonment. We believe that the amendments would hurt your government's efforts to curb the spread of HIV/AIDS in Ukraine.

The use of illicit opiates constitutes a serious public health issue in Ukraine, not least because those who inject opiates account for a substantial share of HIV/AIDS cases in the country. Human Rights Watch is concerned that if adopted, the proposed amendments would damage Ukraine's efforts to fight HIV/AIDS by driving those most vulnerable to HIV infection away from HIV prevention services and exposing many to health risks in prison that would put them at risk of HIV or accelerate existing HIV infection. Given that most inmates leave prison and return to their families, friends, and communities, increasing penalties for small amounts of drugs would also threaten the lives not only of drug users but of the families and communities to which they return.

Human Rights Watch has conducted extensive research on HIV/AIDS and injection drug use throughout the world, including in Ukraine. Our research has consistently documented the link between harsh drug laws and increased HIV/AIDS risk. We have found that in Ukraine, as in many other countries, the threat of detention of drug users for trace amounts of drugs drives them away from HIV prevention services and increases the risk of contracting HIV due to the sharing of syringes. Our research in other countries has shown that overly stringent drug laws frequently lead to abusive practices by police, such as planting small amounts of narcotics on drug users, and arresting drug users for possession of drug residue in used syringes. In prisons, the paucity of HIV prevention and effective drug treatment services,




coupled with increased risk of exposure to infectious diseases (such as tuberculosis) that accelerate HIV, only heighten these health risks.

Ukraine is home to an estimated 360,000 people living with HIV/AIDS. The injection of heroin and other home-made preparations of opiates play an important role in fuelling Ukraine's HIV/AIDS epidemic, as it does in many other parts of the world. Ukrainian law and policy feature important provisions aimed at preventing the spread of HIV through injection drug use, including the permissible sale of injection equipment in pharmacies and the exchange of sterile syringes for used ones. We fear that overly harsh drug laws could undermine these important pillars of Ukraine's own public health policies with respect to HIV/AIDS.

Earlier this year your government established the National Coordination Council to coordinate civil society and government anti-AIDS efforts, holding out the promise of broad engagement and consultation between government and civil society on key policy decisions. Yet the government has made no efforts to engage civil society and other affected parties in the review of the drug law reforms, as no clear process for discussion, or time frame for review and comment on the reforms, has been made public.

We strongly urge you to use your leadership to ensure full participation and debate on these reforms. Reducing drug addiction is a valid public health aim for Ukraine. We urge you to pursue this goal in ways that do not so directly threaten to worsen its HIV/AIDS epidemic. Imposing criminal sanctions for the use of minute amounts of drugs is a punitive approach to a serious public health problem that is unlikely in the end to advance the rights to health and life for all Ukrainians.

Sincerely,



Holly Cartner  
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Europe and Central Asia Division



Rebecca Schleifer  
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HIV/AIDS and Human Rights Program

Cc:

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