

International Association of Judges

Third Study Commission

Perugia 8th - 12th of september 1986

The judge in relation to addiction. Repression and/or treatment.

Questionnaire. (Prepared by R. Manschot)

I. Indication of the current legislation in your country.

A. Are there any specific penal laws on addiction in your country concerning

1. drug-trafficking
2. drug-abuse.

When the answer is affirmative give a brief outline.

B. In case there are specific laws on addiction do they concern themselves with

1. Narcotic drugs
2. Alcohol
3. Medecines (f.i.sleeping pills.tranquillizers)

C. Does the law in your country make any distinction between various (categories of) narcotic drugs.

Is the use of drugs as such a penal offence

II. Is addiction regarded as a circumstance which should lead to a more severe or a more lenient punishment, for instance in cases of so-called addiction related-crime

1. by the law
2. by the judicature

III. Addiction in its social context

A. How many addicts are there approximately in your country on

1. Narcotic drugs
2. Alcohol
3. Medecines

B. Is addiction as such regarded as one of the major social problems in your country

Please motivate your answer.

IV. Treatment

- A. Does the penal law provide for treatment
 - 1. As a compulsory measure
 - 2. As a condition to a conditional sentence
- B. Has the judge any say in the kind of treatment which the addict has to undergo; can he stipulate in which institution the addict shall be treated
- C. Are there sufficient treatment facilities available within the penitentiary system.
If not, are there sufficient facilities elsewhere
- D.
 - 1. Which authority has the first responsibility for the treatment of addicts
 - 2. Is it possible in your country to force an addict to undergo treatment, even when no (other) penal offence (than the use of drugs itself) has been established
 - 3. When so, by order from which authority

V. The influence of addiction on the capacity of the penal system.

Has addiction gained a noticable influence on

- 1. crime rate
- 2. the workload of the judiciary
- 3. prison capacity

VI. Evaluation. Please motivate your answers

- A. Has the penal law system been successful in the fight against
 - 1. Drug-trafficking
 - 2. Drug-addiction
- B. Is in your opinion repression or treatment preferable as a mean to combat
 - 1. drug-trafficking
 - 2. drug.addiction
- C. In case the penal law system is (highly) unsuccessful in the combat against drug-addiction and - trafficking
 - 1. can you suggest any improvements or alterations

2. Should the penal system have more or less responsibility for the rehabilitation of addicts.
3. Should another authority have more responsibility in this field. If so, which authority
4. Is there in your opinion an outlook that the problem as a whole will remain/ get under control in the near or even the remote future.

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When the answer is affirmative give a brief outline.

B. In case there are specific laws on addiction do they concern themselves with

1. Narcotic drugs
2. Alcohol
3. Medicines (i.e. sleeping pills, tranquilizers)

C. Does the law in your country make any distinction between various categories of narcotic drugs.

In the use of drugs as such a penal offence

- II. Is addiction regarded as a circumstance which should lead to a more severe or a more lenient punishment, for instance in cases of so-called addiction related-crimes

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III. Addiction in its social context

A. How many addicts are there approximately in your country

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Please indicate your answer.