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**For Immediate Circulation!**

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Information Note

## **Increase of the level of criminal prosecution of drug users in Ukraine 20-fold virtually sets drug dependence equal to a crime and threatens with a burst of HIV/AIDS epidemics in Ukraine**

Today concerns about this issue have been expressed by Andriy Klepikov , Chief Executive of the [International HIV/AIDS Alliance in Ukraine](http://www.aidalliance.org.ua), and Yevhen Bystrytsky, Chief Executive of the [International Renaissance Foundation](http://www.irf.ua).

As a result of the [Ministry of Health of Ukraine Resolution No. 634](#) which has recently entered into force, **the level of criminalization** of users of the most wide-spread illicit injection drugs **has been increased 20-fold (!)**.

From now on, the amount of acetylated opium, illicit possession whereof is the ground for criminal prosecution in Ukraine, **is 100 times (!) sharp higher** than in the neighboring Russian Federation (0.005 g as compared to 0.5 g).

Judicial practice in Ukraine proves that in certain cases even traces of this drug in a used syringe may be enough for bringing a person to criminal liability under p. 309 of the Criminal Code of Ukraine and imposing punishment of up to 3 years of imprisonment.

*"It is the injection drug usage that is currently **the key driver of HIV (58% of all officially registered cases)** and hepatitis C epidemics in Ukraine. Increasing criminal responsibility level will not lead to lessening the level of drug usage by drug addicts. They will continue using drugs but they will do that in a more dangerous way. Operation of prevention syringe exchange programmes implemented by NGOs and departments of the State Social Service in accordance with the National HIV/AIDS Programme will be paralyzed: millions of syringes will be thrown about playgrounds, in front porches and near dwelling houses. That may turn into the splash of HIV-infecting in Ukraine ", - commented on the situation **Andriy Klepikov**.*

The problem directly concerns at least **59.8 thousand or 76%** of all persons officially registered by the MoH of Ukraine as patients suffering from chronic opiate dependence. It should be also taken into account that the number of drug users who are not officially registered with the MoH of Ukraine is several times higher.

*"We are really concerned about repressive nature of the new authority's policy concerning drug dependent persons. The efficiency of counteracting organized drug crime has not been increased. Instead of eradicating corruption among law enforcement officers fighting illicit drugs turnover, the government chooses the easiest way —prosecuting sick drug dependent people. It is not logica. , That only makes sick people going underground, drives them to a blind corner, simultaneously threatening epidemic wellbeing of millions of people, who will face bigger danger of getting infected with HIV ", - told **Yevhen Bystrytsky**.*

*"Drug dependency is virtually set equal to a crime", - expressed his concern **Pavlo Kutsev**, Director of CF "Drop In Center", possessing a 25-year drig use experience. . "It should be taken into consideration, that already high corruption level among law enforcement officers will grow even more, as from now, on they will demand money even if they seize a sick person with a used syringe".*

We have to admit, that criminalization of drug users in Ukraine takes place at the time when **inverse processes are observed in most of the countries**. Following the results of the [XVIII International AIDS Conference](#) held in July 2010 in Vienna (Austria), more than 17 thousand people signed the [Vienna Declaration](#), calling for global decriminalization of drug dependent people.

*Attention should be paid to other disturbing changes in the national drug policy which have recently occurred.*

In spite of the fact that drug dependency is defined as a chronic disease in the laws of Ukraine, the [Decree of the Cabinet of Ministers of Ukraine No. 1038](#) shall come into effect in the nearest future, based on which the Minister of Health of Ukraine has been completely withdrawn from composition of the chief officers of the National Council on Drug Abuse.

At the same time, in September 2010, a new [Concept of Drug Policy till 2015](#), which does not stipulate any measures for treatment of drug dependency, was approved by the Government resolution.

The Board of the Global Fund to Fight AIDS, Tuberculosis and Malaria, with financial support of which more than 170 thousand injection drug users (IDUs) are covered with HIV prevention services in Ukraine, shall pass a decision concerning the proposal submitted by Ukraine for the following five-year funding round of up to USD 300M [in the middle of December in Sofia](#). Activities aimed at HIV prevention among IDUs, including support of syringe exchange programmes, is one of key prevention areas of the future project, which is currently under threat.

A special meeting of the National Security and Defense Council dedicated to solving problems of HIV/AIDS, viral hepatitis and other infection diseases and chaired by the President of Ukraine shall be held on 26 November 2010. Tomorrow, on November 17, [the National HIV/AIDS Conference "For Every Life Together"](#) organized with support of the Government of Ukraine and international organizations will be opened in Kyiv.

On the eve of these important events, taking into account the World AIDS Day, which will be commemorated all over the world on 1 December, the International HIV/AIDS Alliance in Ukraine and the International Renaissance Foundation appeal to the Government of the country together with NGOs and international organizations to immediately revise recent destructive resolutions in the drug policy area, to turn its face to people living with the drug dependency and HIV/AIDS problems, and not to turn a blind eye to evident things.

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***Comparative table to the new version of the [Tables of Small, Big and Particularly Big Amounts of Drugs, Psychotropic Substances and Precursors in Illicit Circulation](#), approved with a Resolution of the MoH of Ukraine No. 188 dd. 01.08.2000, which entered into force on 29 October 2010:***

Drug, psychotropic substance/ precursor	Criminal liability starting from, grams <a href="#">(new version)</a>	Criminal liability starting from, grams <a href="#">(old version)</a>	Criminal liability <a href="#">in Russia</a> starting from, grams
Acetylated opium	<b>0.005</b>	0.1	<b>0.5</b>
Opium – white poppy fluid clotted	<b>0.1</b>	0.5	<b>1</b>
Heroin	<b>0.005</b>	from 0 g	0.5
(+)-Lysergide (LSD)	<b>0.00001</b>	from 0 g	<b>0.0001</b>
Methcathinone (ephedrone), Home-made drugs from ephedrine...	<b>0.01</b>	from 0 g	0.5

[Decree of the Cabinet of Ministers of Ukraine dd. 10 November 2010 N 1038](#) "On Introducing Amendments to the Decrees of the Cabinet of Ministers of Ukraine dd. 13 May 1993 N 343 and dd. 15 February 2006 N 147».

[Order of the Cabinet of Ministers of Ukraine dd. 10 November 2010 N 1038 dd. 13 September 2010 N 1808-r](#) "On Approval of the Concept of Implementing the Government Policy in Overcoming Drug Abuse, Fighting Illicit Turnover of Drugs, Psychotropic Substances and Precursors for 2011-2015".