

Drug laws in West Africa: A review and summary

Annex: Country profiles

Benin

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Act No. 97-025 of 18 July 1997 on the control of drugs and precursors
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	The law does not state the penalty, it only says that it is prohibited to use drugs
Drug supply/production (if any distinctions made)	A fine of between CFA 100,000-500,000 (USD 180-890) and, in the event of a second or subsequent offense, a fine of CFA 500,000-1 million (USD 890-17,780), infringements of the provisions of this Act and the orders made for its application (Article 90)
Other offences included in the law	Those who contravene the provisions of this Code relating to the export, import and international transport of drugs are prohibited from imprisonment for 5 to 10 years and a fine equal to three times the value of the drugs seized (Article 96)
Alternatives to incarceration	No
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law gives a minimum fine or prison term for an offender and judges are required to stay within these mandatory sentences
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	No
Explicit protections of human rights	No
Key institutions responsible for implementing the drug legislation	Office central de répression du trafic illicite des drogues et des précurseurs Main institutions responsible: CILAS, OCERTID and the CENTIF
Key institutions responsible for oversight (dedicated parliamentary committee, other)	Comité Interministériel de Lutte contre l'Abus des stupéfiants et substances psychotropes (CILAS)
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Law N° 017/99/AN
Subsequent legal challenges, amendments or complementary legislation passed	<ul style="list-style-type: none"> • Revision of law 017/99 / AN to reduce the repressive side and consider a public health and human rights approach • Challenges: source of funds to finance public health approach and alternatives to prison
Drug possession/use (if any distinctions made)	Under Article 47, incarceration from 2 to 5 years and/or a fine of CFA 1-5 million (USD 1780-8,880)
Drug supply/production (if any distinctions made)	Under Article 44, incarceration from 10 to 20 years and/or a fine of CFA 5-25 million (USD 8,880-44,430) for drug production Under Article 46, incarceration from 10 to 20 years and/or a fine of CFA 10-50 million (USD 17,770-88,850) for international drug trafficking
Other offences included in the law	<ul style="list-style-type: none"> • Incarceration from 5 to 10 years and/or a fine of CFA 5-10 million (USD 8,880-17,770) for those who facilitate the illicit use of high-risk drugs by others, either by procuring a premise for that purpose or by any other means. (Article 48) • Incarceration from 10 to 20 years and/or a fine of CFA 10-50 million (USD 17,770-88,850) for those who in any way and by any means, push a person to consume high-risk drugs without his or her knowledge (Article 49) • Incarceration from 2 to 5 years and/or a fine of CFA 500,000-2 million (USD 890-3,550) for those who yield or offer high-risk drugs to a person for personal use (Article 50)
Alternatives to incarceration	Under the law, In the case of possession of plants or substances classified as narcotic drugs or psychotropic substances, in small quantity intended for personal consumption, the person concerned may be exempted from punishment or the execution of the sentence: <ul style="list-style-type: none"> • if he/she has not reached the age of criminal majority • If he/she is not in a state of recidivism • if by a solemn declaration made at the hearing, he/she undertakes not to start using drugs again (article 61)
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law prescribes mandatory sentences
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	No
Explicit protections of human rights	No
Key institutions responsible for implementing the drug legislation	Comité National de Lutte contre la Drogue (CNLD) This committee includes: the Ministry of Territorial Administration and Security; the Ministry of Health; the Permanent Secretary; the Ministry of Justice; the Ministry of Defence; a representative of civil society
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

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<p>Key national legislation</p>	<ul style="list-style-type: none"> • Law 78/IV/93, dated 12 July • Decree-Law 92/92, dated 20 July
<p>Subsequent legal challenges, amendments or complementary legislation passed</p>	<p>No available information</p>
<p>Drug possession/use (if any distinctions made)</p>	<p>Article 20 (Consumption) imprisons up to 3 months or a fine of up to 30 days</p> <p>The offender may be spared punishment if all of the following conditions apply:</p> <ul style="list-style-type: none"> • If offender is not yet of full age or the offence is a first offence • He/she pledges, in a solemn declaration before a magistrate, that the action punishable by virtue of this article will not be repeated
<p>Drug supply/production (if any distinctions made)</p>	<p>The offence of supply and production gives the same type of sentence if committed</p> <p>That is; you shall be liable to a term of imprisonment of between 2 and 10 years. There is no clear distinction between the two offences per the legislation</p>
<p>Other offences included in the law</p>	<p>The law also mentions offences such as transfers or in any capacity receives, transports, imports, exports or transits equipment, materials or substances even though it takes about supply in the same clause. These offences also will attract a prison term between 2-10 years:</p> <ul style="list-style-type: none"> • Possession equipment or material used in the manufacture of narcotics shall attract an imprisonment between 1-5 years • The law also classifies the offences as being serious or high-risk offences, i.e. if the illicit nature of the activity is less serious, bearing in mind, in particular, the means used, the modality or circumstances of the action or the quality or quantity of the plants, substances or preparations, the penalty shall be an imprisonment between 1-5 years if the offence relates to plants, substances or preparations indicated in Schedules I, II and IV; but a term of imprisonment up to 2 years and a corresponding fine if the offence relates to plants, substances or preparations in Schedule III • Conversion, transfer or concealment of property or products: imprisonment of 4 and 12 years • Concealing information regarding the use of a property or product: imprisonment of 2-10 years • Incitement to use narcotic drugs or psychotropic substances: imprisonment of up to 2 years or a fine of up to 240 days • Trafficking and use in public or meeting places: imprisonment of between 2 and 10 years <p>The law will enhance your sentence in the above mention offences under the following circumstances:</p> <ul style="list-style-type: none"> • If the substances or preparations are supplied or destined for juveniles or mentally- deficient individuals • Distributed to a large number of people • if he/she obtains or attempts to obtain financial reward • if you are an official responsible for the prevention of punishment of such offences;

	<ul style="list-style-type: none"> if you are a physician, a pharmacist or other health worker, or an official working in the prison service or in the social reintegration service, a worker in the postal, telegraph, telephone or telecommunications service, a teacher, an educator or an employee in the social welfare services or institutions
Alternatives to incarceration	There are alternatives to incarceration for drug use: article 21 of the law allows an offender to voluntarily seek treatment. Otherwise, the offender can be imposed a fine
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	Cases of narcotics are prosecuted by the High Court, even though there are judicial restrictions, offences like the use of narcotics, it gives the judiciary discretion to give a warning for a first-time offender
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no explicit provisions of public health programs such as harm reduction treatment provisions in the law, however offenders who are described as problematic users can voluntarily seek treatment
Explicit protections of human rights	Article 21 of the law seeks to protect individual human rights especially those who use drugs. The article allows a person who is a problematic user to voluntarily seek treatment and the law further provides that physicians, specialists and other staff of the establishment attending the patient shall be bound by professional confidentiality and shall not be obliged to give evidence in court or to provide information to the police regarding the nature and progress of treatment. Also, the Ministry of Health will have to also take the necessary steps, through the departments concerned, to provide care for drug addicts or other users who voluntarily seek care and it shall monitor the conditions under which private bodies care for drug addicts.
Key institutions responsible for implementing the drug legislation	Commission on Drug Control Coordination (CCCD, Comissão de coordenação do Combate à Droga)
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	Under the law, the Ministry of Health has a treatment component for people dependent on drugs

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Key national legislation	Law N88-686 of 22 July 1988
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	Under Article 8, incarceration from 1 to 5 years + a fine of CFA 200,000-5 million (USD 350-8,880)
Drug supply/production (if any distinctions made)	Under Articles 1 and 2, incarceration from 10 to 20 years and a fine of CFA 1-100 million (USD 1,780-177,650)
Other offences included in the law	Under Article 11, being under the influence of a drug while driving a vehicle or piloting a boat is punished with a prison sentence of 1 to 5 years + a fine of CFA 500,000-5 million (USD 890-8,880)
Alternatives to incarceration	No
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law prescribes mandatory sentences
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	Once persons are convicted of the offence under Article 8, they may be required by the judge to undergo a cure of detoxification accompanied by all appropriate medical supervision measures
Explicit protections of human rights	No explicit protection of human rights
Key institutions responsible for implementing the drug legislation	No available information
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

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<p>Key national legislation</p>	<p>The Drug Control Act 2003 and the Medicines Control Act</p>
<p>Subsequent legal challenges, amendments or complementary legislation passed</p>	<p>In 2010 the National Assembly unanimously amended sections 43 and 94 of the principal act of the drug control (amendment bill) for possession of more than 250g of cocaine or heroin punishable by death</p> <p>In 2011, the National Assembly amended the Drug Control Act 2003, increasing fines for drug-related offences from GMD 1-10 million (USD 21,160-211,650). The bill also aims to bring the last amendment of the drug control act in line with section 18 of the 1997 constitution of the Gambia, which limits the death sentence to offenses involving violence or the administration of toxic substances resulting in death</p>
<p>Drug possession/use (if any distinctions made)</p>	<p>A person caught in possession of drugs without license is criminalised. This penalty involves a prison term (with or without hard labour) as well as fines depending on the violation committed and according to court rulings</p>
<p>Drug supply/production (if any distinctions made)</p>	<p>Possession of prohibited drugs for the purpose of drug trafficking can lead to up to 10+ years imprisonment plus a fine of up to GMD 10 million (USD 211,650) depending on the court rule. The minimum sentence for those found in possession of drugs (over 250g) is a large fine or up to 15 years in prison by default</p>
<p>Other offences included in the law</p>	<p>Other offences include conspiracy such as hiding a drug dealer, obstructing of arrest etc. to be charges with section 70 (4) (a) of the Drug Control Act</p>
<p>Alternatives to incarceration</p>	<p>The only alternative to incarceration is fines of a certain amount, but this does not apply in all cases. The National Drug Law enforcement agency is working on a strategic plan which will include rehabilitation as an alternative to incarceration based on terms and conditions</p> <p>Additionally, the 2014 amendments to the Drug Control Act reduce prison terms for possession of small amounts of drugs, taking into consideration the need for less stringent measures towards drugs and enabling individuals to reintegrate in society after serving a sentence</p>
<p>Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)</p>	<p>Any form of drug offence in the Gambia results in huge liabilities, guided by the 1997 constitution and the Drug control Act 2003 Revise laws of the Gambia</p>
<p>Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)</p>	<p>Currently not, but the national drug law enforcement agency is working on a policy document which includes a strategic plan involving integrated treatment and rehabilitation programmes. This will include suitable engagement of partners to ensure that the provision of section (e) of Drug Control Act is realised and geared towards preparing guidelines and standards for the facilities providing treatment, rehabilitation and after care services</p>
<p>Explicit protections of human rights</p>	<p>Accused persons' rights are being protected but there are practical challenges in terms of implementation. For example, there are times where accused persons do not even have legal representation</p>
<p>Key institutions responsible for implementing the drug legislation</p>	<p>The national drug law enforcement agency (control and prohibited drugs), the medicines control agency (concern with control of drugs) and the national pharmacist services</p>
<p>Key institutions responsible for oversight (dedicated parliamentary committee, other)</p>	<p>The PAC/PEC: public accounts and public enterprise committee, acting as the leading parliamentary scrutiny body</p>

Key institutions responsible for the role of the executive	Creation of units such as The Anti-Narcotics units, now known as the Drug Law Enforcement Agency (DLEAG). Before 2005, the unit was within the Gambia Police Force. It became an autonomous security institution in 2005 responsible for the enforcement of the Drug Control Act (DCA) 2003
Key institutions responsible for integration with other health programs	The drug law enforcement agency works closely with the Ministry of Health

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Key national legislation	Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (PNDCL 236) Economic and Organised Crime Office Act, 2010 (Act 804) Financial Intelligence Centre Act, 2001 (ACT 38)
Subsequent legal challenges, amendments or complementary legislation passed	The PNDCL 236 has to rely on the EOCO Act and other Acts such as the F.I.C Act, Anti Money Laundering etc. in combating drug-related offenses The PNDCL 236 has severe punishments for offenders including people who use drugs Although the PNDCL 236 is currently undergoing legislative amendments, the process is very slow
Drug possession/use (if any distinctions made)	Prison term of minimum 10 years for possession and minimum 5 years prison for use
Drug supply/production (if any distinctions made)	Prison term of minimum 5 years for supply, and minimum of 10 years for production
Other offences included in the law	Money laundering, possession of instruments meant for drug production
Alternatives to incarceration	No, although such proposals have been made under the Narcotics Commission Bill [NCC Bill 2017]
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law also gives a mandatory sentence within which to pass sentence The judiciary has the mandate to interpret the PNDCL 236 and any other relevant drug law. No other law can restrict judiciary powers in imposing sentencing. Unless the convict appeals to superior courts (the Appeals or Supreme Court). The superior court will hear the case in de-novo (start fresh hearing) and pass judgment using same relevant Ghanaian laws cited above
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	Not explicitly stated in the PNDCL 236, but the courts have the power through other legislations to refer people undergoing health issues to any public health facility deemed appropriate to address the issue. E.g. A mentally-ill person, upon advice from a physician or medical doctor, may be referred to the appropriate health authority for attention
Explicit protections of human rights	There are no explicit human rights provisions in the drug legislation. However, Chapter 5 Article 12 of the 1992 Constitution of Ghana clearly protects the fundamental human rights of accused persons
Key institutions responsible for implementing the drug legislation	<ul style="list-style-type: none"> • Narcotics Control Board (NACOB) • Ministry of Interior • Legislature (Parliament) • Cabinet (Presidency)
Key institutions responsible for oversight (dedicated parliamentary committee, other)	The Parliamentary Select Committee for Defence and Interior (PCDI)
Key institutions responsible for the role of the executive	The executive (the Board, Executive Secretary & Management) sees to the day-to-day administration of the organisation
Key institutions responsible for integration with other health programs	NACOB is liaising and providing professional services such as counselling services for some rehab centres and institution (however, due to financial and other countenance, NACOB is not able to cover most of the institutions)

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Key national legislation	Decree D\2011\016\PRG\SSG Creating the General Secretariat in the Presidency charged with special services to fight against drugs and organised crime
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	No available information
Drug supply/production (if any distinctions made)	No available information
Other offences included in the law	<p>Art. 377 of the Criminal Code covers offences punishable of criminal sentences: illicit production and manufacturing, international trafficking, aiding and facilitating usage, supply or transfer for personal consumption, fabrication and distribution of precursors, raw materials and equipment, organisation, financing, drug money laundering, aiding and abetting of NLEA officers, facilitation or incitement through the exchange of data</p> <p>Sanctions/ penalties for drug-related offences are also provided for in Articles 383, 392, 400 and 402 of the Criminal Code relative to the 'supply and transfer for personal consumption', 'driving under the influence of drugs', and 'supply of poisonous chemical inhalants to minors'. Optional penalties (particularly regarding foreigners and asset forfeiture) are included in Articles 382, 399 and 400</p> <p>The Criminal Code also includes provisions on Aggravating circumstances (Article 403 of the Criminal Code) which include use of shipment, cargo, container or a vehicle usually assigned to humanitarian work for the transport of illicit drugs, similar substances or their precursors; illegal supply of drugs to a person undergoing substitution therapy; and if the offender has used someone without his/her knowledge to commit the crime</p>
Alternatives to incarceration	No
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	In analysing punishment for criminal and misdemeanour offences as established by the law the courts have the prerogative of deciding whether to hand down a combined sentence of imprisonment and fines on the one hand; or to hand down either of the two sentences (i.e. prison sentence or a fine) on the other
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no specialised service/qualified health professionals who can provide treatment to people who use drugs in Guinea. There are four psychiatrists in Guinea who generally provide treatment services
Explicit protections of human rights	There is no explicit mention of human rights protection in the law
Key institutions responsible for implementing the drug legislation	<p>The Central Anti-Narcotics Office (OCAD); the Inter-Ministerial Committee for the fight against drugs; and the Economic and Financial Crimes Bureau</p> <p>The Central Anti-Narcotics Office is the central agency for implementing the government's anti-narcotics policy (Decree No.066/PRG/SSG/94). This body is responsible for centralising all information relating to drugs, creating data relating to seizures of drugs and deferred persons, and all issues related to the suppression and prevention of drug-related matters. It works with a range of institutions including the National Police, the Republican Guard, the Armed Forces, the Navy and others</p>

Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information in the law
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

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Key national legislation	Decree-Law 2-b/1993
Subsequent legal challenges, amendments or complementary legislation passed	Not clear from the law as to whether there have been amendments or complementary legislations passed
Drug possession/use (if any distinctions made)	Possession for use of drugs other than cannabis, it will attract a prison sentence of 2-12 months. If the drug is cannabis, imprisonment is from 1 to 6 months. First-time offenders can be exempted from punishment. Problematic users who require assistance from public health services will see their identity preserved. The Ministry of Health is responsible for developing the necessary actions to treat people dependent on drugs and other users that ask for assistance, and is also responsible for inspecting the conditions of private facilities for people who use drugs
Drug supply/production (if any distinctions made)	The law does not clearly define supply and production. Each of these offences receives the same penalties under the law: a prison sentence of 12 years
Other offences included in the law	<ul style="list-style-type: none"> • Conversion, transference or dissimulation of assets or products: 2 to 12 years of imprisonment • Inciting the use of narcotics or psychotropic substances: 3 years imprisonment • Trafficking and consumption in public or meeting places: 1 to 5 years imprisonment
Alternatives to incarceration	There are no alternatives to incarceration per se. Under the law, however, a first-time offender can be pardoned and exempted from penalty at the judge's discretion
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law provides both minimum and maximum sentences for every offence and this makes it difficult for the judge to use their discretion in sentencing
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no explicit harm reduction services
Explicit protections of human rights	There are no explicit human rights provision under the law of Guinea-Bissau
Key institutions responsible for implementing the drug legislation	National Law Enforcement Agency
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	The Executive exercises its power on this matter through the judicial Police and the Ministry of Health
Key institutions responsible for integration with other health programs	In the implementation of the law, especially under consumption, the main drug implementation institution acts with the Ministry of Health where there is a need for the offender to seek treatment or rehabilitation

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<p>Key national legislation</p>	<p>Liberia Controlled Drugs and Substances Act Liberia Drugs Enforcement Agency Act</p>
<p>Subsequent legal challenges, amendments or complementary legislation passed</p>	<p>The Liberian Code of Laws, was amended to include offences involving danger to the person Challenges: The main legal challenge is the enforcement of fundamental human rights of people arrested for drug use. Most of them do not have legal representation. Besides, public awareness has not been created for the Acts with subsequent lack of awareness about the existence of the laws in court</p>
<p>Drug possession/use (if any distinctions made)</p>	<p>The Liberia drug law classifies drug use as a first-degree misdemeanour resulting in a maximum prison sentence of 1 year. Being arrested for drug use for the 3rd time constitutes a third-degree misdemeanour; in that case the offender will receive a prison sentence of not more than 30 days. As for possession:</p> <ul style="list-style-type: none"> • Possession of a substance controlled in Schedule I is a first-degree felony corresponding to a sentence of up to 10 years' imprisonment • Possession of a substance controlled in Schedule II is a second-degree felony corresponding to a sentence of up to 5 years' imprisonment, unless a statute states otherwise
<p>Drug supply/production (if any distinctions made)</p>	<p>There is a difference between supply and production in the Liberian law: supply entails transportation, distribution of controlled drugs or substances. On the other hand, production involves unlicensed cultivation or culture of plants</p> <ul style="list-style-type: none"> • Supply offences are classified as a first-degree felony that will attract a prison term of a maximum of 10 years if the drug is under Schedule I or precursor or essential chemicals. If the drug is under Schedule II, III or IV, the offence becomes a second-degree felony that will attract a prison term of not more than 5 years unless a statute states otherwise • Illicit crop production is classified as a first-degree felony and is punished by a prison term of not more than 10 years. If the drug is controlled in Schedules II, III or IV, the offence becomes a second-degree felony that will be an imprisonment of no more than 5 years unless a statute says otherwise • Separate section in the law for manufacturing which is a form of production. Offences under manufacturing attracts the same sentence as the production of plants. The only difference with manufacturing is that it can be a first-degree misdemeanour, depending on the facts
<p>Other offences included in the law</p>	<p>Other offences include diversion of controlled precursors and essential chemicals; unlicensed manufacturing; unlicensed sale, trading, administration, dispensation, delivery, distribution, dispatch in transit and transportation; unlicensed importation and/or exportation, etc.</p> <ul style="list-style-type: none"> • Prescription abuse: imprisonment for 5-10 years • Unlawful maintenance of a place for drugs: imprisonment for 5-10 years • Concealing property from a drug offence: imprisonment for 10 years • Receiving property derived from a drug offence: maximum of 5 years
<p>Alternatives to incarceration</p>	<p>There are no explicit provisions on alternatives to incarceration. However, under the current law, for the use of controlled substances the court can decide to order that a user undergoes measures of treatment, education, after-care or rehabilitation</p>

Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	This is not clear in the law. However, there are minimum and maximum penalties for the various sanctions that restrict the judges' decision when deciding on a sentence
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no explicit provisions on the protection of public health, but there are provisions for a court of law to request that an offender accused of drug use seeks treatment, rehabilitation etc.
Explicit protections of human rights	No explicit human rights provisions. Even though the criminal code of Liberia, requires that a person arrested should be sent to trial within a reasonable timeframe, practically this does not happen, most people arrested for drug use can stay in police custody for as long as months without being produced before a judge to be remanded. The Controlled Drug and Substances Act does not include any reference to public health or human rights. Its sole purpose is to criminalize a broad range of conduct in relation to controlled drugs and substances, including possession and use.
Key institutions responsible for implementing the drug legislation	Liberia's Drug Enforcement Agency (LDEA)
Key institutions responsible for oversight (dedicated parliamentary committee, other)	Parliamentary Committee on Security and the Committee on Health
Key institutions responsible for the role of the executive	The Executive, through the Ministry of Justice (LDEA, Police and Transnational Crime Unit)
Key institutions responsible for integration with other health programs	No integrated programmes

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Key national legislation	Law No. 01-078 of 18 July 2001 on Control and Drug Consumption
Subsequent legal challenges, amendments or complementary legislation passed	<ul style="list-style-type: none"> • Law of 26 Jan. 1926, as amended by decrees of 08/10/1948 and 17/12/1949 and 31/05/1952 regulating the trade, possession and use of poisonous substances • Order No. 173 of 13 June 1972, establishing a spec. procedure for drug-related criminal acts and robbery and a decree of MoFT re. prohibition of goods being imported • Law 83/14 AN-RM of 31 May 1983 for Suppression of Offences relation to poisonous substances and drugs – use, traffic, and illegal ops related to drugs • Act No. 94-043 of 12 June 1995 ratifying convention on Psychotropic Substances of 1971 • Law No. 95-044 of 12 June 1995 ratifying UN Single Convention on Narcotic Drugs of 1961 • Law 95-045 of 12 June 1995 ratifying the Single Convention on Illicit Trafficking and Psychotropic Substances of 1988 • Law No. 01-078 of 18 July 2001 on the Control and drug consumption
Drug possession/use (if any distinctions made)	Sanctions for personal consumption: 6 months to 3 years' imprisonment + fine from CFA 20,000-200,000 (USD 35-350) From the law, there is no clear distinction between possession and use
Drug supply/production (if any distinctions made)	<p>There is no clear distinction made in the law as to what is supply and production. Under Section 9 Law No.01-78 of 18 July 2001 on control of drugs and precursors, sanctions are included in Article 13 (91-103) and vary based on types of offences and classification of drugs in Mali:</p> <ul style="list-style-type: none"> • All plants and high-risk substances that are not for medical use but has been cultivated, produced, manufactured or processed will attract 5 to 10 years' imprisonment + a fine of between CFA 200,000 and 2 million (USD 350-3,500). Supply, transfer or use transnational traffic of these substances will be punished by 5-10 years in prison + a fine of CFA 5-50 million (USD 89,050-890,500) • Use, supply or transfer of plants and risk-substances for medical use will be punished with 5-10 years' imprisonment. The production, cultivation, supply, distribution, sale, delivery, shipping, transportation, purchase, possession or use will incur 2-5 years' imprisonment + a fine of CFA 200,000-2 million (USD 350-3,500)
Other offences included in the law	<p>Article 101: inciting directly or indirectly to use drugs. A prison sentence of 2 to 5 years and a fine of CFA 250,000 to 5,500,000 (USD 440-9,790), or both, shall be imposed on those who by any means have incited directly or indirectly</p> <p>The term of imprisonment incurred will be 6 months to 3 years in the event of incitement to the illicit use of drugs at risk or of substances presented as having the effect of these drugs</p>
Alternatives to incarceration	No
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	Ordinary courts, Special Court currently being established (will be temporarily under the jurisdiction of the High Court in Bamako). The law also spells out maximum and minimum sentences but is unclear whether a judge is allowed to go outside the mandatory penalties

<p>Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)</p>	<p>Articles 131 and 132 of Law No. 01-078 of 18 July 2001 on the Control of Drugs and Drug Precursors allow for detoxification treatment:</p> <ul style="list-style-type: none"> • Article 131: after medical examination, people who use illegal psychotropic substances or precursors may be compelled by reasoned decision of the investigative court or upon judgment to undergo treatment. In this case, the judgement is suspended • Article 132: detoxification treatment should be provided in a dedicated facility or under medical supervision. The judicial authority shall be informed of its progress and results by the responsible physician in charge
<p>Explicit protections of human rights</p>	<p>Yes</p>
<p>Key institutions responsible for implementing the drug legislation</p>	<p>Office Central des Stupéfiants (OCS): core functions outlined in Decree 10-2012/P-RM of 13 April 2010 (which also created the OCS) and Decree No. 2013-012 of 02 Sept. 2013.</p> <p>Important coordination challenges with other law enforcement agencies, particularly the Anti-Narcotics Brigade in the National Police, as well as Customs and Border Control</p>
<p>Key institutions responsible for oversight (dedicated parliamentary committee, other)</p>	<p>No available information</p>
<p>Key institutions responsible for the role of the executive</p>	<p>Inter-Ministerial Committee (Executive)</p>
<p>Key institutions responsible for integration with other health programs</p>	<p>No available information</p>

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances
Key national legislation	Law No 93-37 on repression of production, trafficking and use of illegal substances and psychotropic
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	Under Article 39, people who use drugs incur a prison sentence of a maximum of 2 years and a fine of MRO 50,000 to 100,000 (USD 140-280)
Drug supply/production (if any distinctions made)	For a high-risk drug, the offender will be imprisoned for 15 to 30 years + a fine of MRO 10-100 million (USD 28,250-282,450) In the case of a second offense, the death penalty will be imposed (Article 3)
Other offences included in the law	Engaging in the export or import of high-risk drugs will be punished with imprisonment of 15 to 30 years and a fine of MRO 10-100 million (USD 28,250-282,450). In the case of a second offense, the death penalty will be imposed An offender engaging in the offer, shipment by post or transit, acquisition or purchase, transportation, possession, brokering, dispatch, delivery, distribution, assignment for payment or free of charge, or the use of high-risk drugs will be punished with a 15 to 30 years' prison sentence + a fine of MRO 10-100 million (USD 28,250-282,450). In the case of a second offense, the death penalty will be imposed (Articles 4 and 5)
Alternatives to incarceration	Public action will not be taken against people who use drugs when it is established that they have been successfully subjected to a cure (Article 51)
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law prescribes mandatory sentences
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	Once it has been established that a person convicted of an offence under Article 8 will undergo medical treatment, they may be required by the judge to enter a cure of detoxification accompanied by all appropriate medical supervision measures
Explicit protections of human rights	Not explicit in the law
Key institutions responsible for implementing the drug legislation	Bureau National pour la Lutte contre la Drogue et les Produits Psychotropes
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Law 1-73-282 of 21 May 1974
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	Under Article 8, punishable by 2 months to 1 year prison sentence + a fine of MAD 500-50,000 (USD 53-5,270)
Drug supply/production (if any distinctions made)	Under Article 2, punishable by a prison sentence of 5 to 10 years + a fine of MAD 5,000-500,000 (USD 530-52,690)
Other offences included in the law	Under Article 96, offences like export, import and international transport of illicit drugs are prohibited and punished with a prison sentence of 5 to 10 years + a fine equal to three times the value of the drugs seized
Alternatives to incarceration	No
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The law provides minimum penalties
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no explicit harm reduction services. However, criminal proceedings can be suspended if the offender consents to undergoing detoxification in a therapeutic establishment after medical examination (Article 8)
Explicit protections of human rights	No
Key institutions responsible for implementing the drug legislation	Unité Centrale de Lutte Anti-Drogue (UCLAD)
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	Ministry of Health

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Ordinance No. 99-42 of 23 September 1999
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	<p>Under Article 145, those who have unlawfully kept, bought or cultivated plants or substances classified as narcotic or psychotropic substances, in small quantities intended for their personal consumption, shall be punished:</p> <ul style="list-style-type: none"> • In the case of a plant or substance classified as a high-risk drug (including cannabis oil) with imprisonment of 2 months to 1 year and/or fine from CFA 500,000 to 1,000,000 (USA 890-1,780) In the case of a derivative of the cannabis plant other than cannabis oil with imprisonment of 1 to 6 months and/or a fine of CFA 250,000 to 500,000 (USD 440-890) • In the case of a plant or substance classified as a risky drug with imprisonment for 15 days to 3 months and/or a fine of CFA 100,000 to 250,000 (USD 180-440)
Drug supply/production (if any distinctions made)	For supply, the offender is punished with imprisonment for 10 - 20 years and with a fine of 1,000,000 F. Transport of high-risk drugs.
Other offences included in the law	Export, import and international transport of drugs are prohibited from imprisonment for 5-10 years and a fine equal to three times the value of the drugs seized. (Article 96)
Alternatives to incarceration	No explicit provision for alternatives to incarceration. However, Article 115 of the law states that where an 'addict' is convicted of one of the offenses set forth in Articles 94 to 102, 145 and 146, the court may, in substitution for or in addition to the sentence, invite them to undergo appropriate treatment or care. If he/she does not comply, the offender will be sentenced to prison for 1 to 5 years and/or a fine of CFA 100,000 to 500,000 (USD 180-440)
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	There are mandatory sentences, but it is not clear from the law whether judges can go outside that mandatory penalties
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	Article 115 of the law states that where an 'addict' is convicted of one of the offenses set forth in Articles 94 to 102, 145 and 146, the court may, in substitution for or in addition to the sentence, invite them to undergo appropriate treatment or care. If he/she does not comply, the offender will be sentenced to prison for 1 to 5 years and/or a fine of CFA 100,000 to 500,000 (USD 180-440)
Explicit protections of human rights	No
Key institutions responsible for implementing the drug legislation	Coordination de la Lutte Anti-drogue au Niger (CCLAD)
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information

<p>Is the country a signatory to the three drug conventions, and are there any reservations?</p>	<p>Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations</p>
<p>Key national legislation</p>	<ul style="list-style-type: none"> • National Drug Law Enforcement Agency Decree of 1989 now Act, Cap 30 • Indian Hemp(Cannabis) Decree of 1966 • Special Tribunal (Miscellaneous Offences) Decree 1984 • Special Tribunal (Miscellaneous Offences) (Amendment) Decree 1986 • National Drug Law Enforcement Agency Decree of 1989 now Act, Cap 30, LFN, 2004 domesticated • NDLEA Act establish the National Drug Law Enforcement Agency
<p>Subsequent legal challenges, amendments or complementary legislation passed</p>	<ul style="list-style-type: none"> • The NDLEA Act was amended by the National Drug Law Enforcement Agency (Amendment) Decree No 33, 1990 and the National Drug Law Enforcement Agency (Amendment) Decree No 15, 1992. A Bill for Amendment has been introduced in 2017 (See attached Bill for National Drug Law Enforcement Agency (Amendment) Bill 2016). The Bill seeks to amend the National Drug Law Enforcement Agency Act Cap N30 Law of the Federation of Nigeria (LFN), 2004 to close any loopholes by having clear, unambiguous and unequivocal provisions so that judges cannot vary the sentences provided by the Act (among other changes) • National Agency for Food and Drug Administration and Control (NAFDAC) Act CAP N1 LFN 2004: established the National Agency for Food and Drug Administration and Control (NAFDAC) in 1993 with the mandate to regulate and control the importation, exportation, manufacture, distribution, advertisement and sale of food, drugs, chemicals, cosmetics, medical devices, detergents and packaged water. <p>Other legal frameworks:</p> <ul style="list-style-type: none"> • Dangerous Drugs Ordinance of 1935 • Money Laundering (Miscellaneous Offences) Decree 3, 1995 • Money Laundering (Prohibition) Act No 7 of 2004 • Poison and Pharmacy Act Cap 535 of 1990 • Prisons Act and Regulations (CAP 366 Laws of the Federation of Nigeria 1990) • Food and Drugs Act, CAP F32 LFN 2004 • Dangerous Drugs Act CAP D1 LFN 2004 • Counterfeit and Fake Drugs and Unwholesome processed Foods (Miscellaneous Provisions) Act CAP C34 LFN 2004 • Money Laundering Decree of 1995 enables NDLEA to Mount surveillance on the bank accounts of suspects, limits cash payments, and mandated banks to report deposits beyond certain limits and tap any telephone lines • Mutual Legal Assistance (MLA) and extradition agreements: In relation to offences stipulated under Part II of the NDLEA Act, and other extraditable offences enumerated under the Extradition Act, Cap. E25, 2004, and in accordance with the Transfer of Convicted Offenders (Enactment and Enforcement) Act, Cap. T16, 2004 and the Mutual Assistance in Criminal Matters within the Commonwealth (Enactment and Enforcement) Act, Cap. M24, 2004, Nigeria government and NDLEA establish and maintain international cooperation and assistance with other countries and drug control agencies in drug law enforcement

Drug possession/use (if any distinctions made)	No distinction made between possession and use, the penalty is 15 to 25 year's imprisonment
Drug supply/production (if any distinctions made)	Production, procession, planting or growing, selling, buying, exposing or offering for sale or otherwise, dealing all incur life imprisonment
Other offences included in the law	<p>Other Offences & Penalties under NDLEA Act: for cocaine, heroin, or similar drugs (S.11-19):</p> <ul style="list-style-type: none"> • Unlawful assumption of character of officer of the Agency: minimum 10 years' imprisonment • Tampering with drug: minimum 25 years' imprisonment • Escape or permitting escape: minimum 7 years' imprisonment • Preventing a person from attending as a witness: minimum 7 years' imprisonment • Unlawful possession of cocaine: minimum 7 years' imprisonment • Occupier unlawfully permitting use of premises: minimum 7 years' imprisonment • Conspiracy, etc-: between 15 and 25 years' imprisonment (offences in relation to drug abuse and penalties, S.20) • Production, manufacture, extraction, preparation, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transportation, importation or exportation • Cultivation of opium, opium poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs • Possession or engages or purchases any narcotic drug or psychotropic substance for the purpose of any of the activities enumerated in (b): Acquisition, possession or use of property knowing at the time of acquisition, possession or use that such property; Possession of equipment or material or substance listed; Manufacture, transportation or distribution of equipment, materials or of any substance listed; Management, organisation or financing of any of the offences • Conversion or transfer of property knowing that such property is derived from any offence • Concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to or ownership of property knowing that such property is derived from any offence. • Double Jeopardy Offence and Penalties- S.22: 5 years without the option of a fine, and assets/property forfeiture, for: any person whose journey originates from Nigeria without being detected of carrying prohibited narcotic drugs or psychotropic substances, but is found to have imported such prohibited narcotic drugs or psychotropic substances into a foreign country, notwithstanding that such a person has been tried or convicted for any offence of unlawful importation or possession of such narcotic drugs or psychotropic substances in that foreign country, shall be guilty of an offence of exportation of narcotic drugs or psychotropic substances from Nigeria; and any Nigerian citizen found guilty in any foreign country of an offence involving narcotic drugs or psychotropic substances and who thereby brings the name of Nigeria into disrepute shall be guilty of an offence under this subsection
Alternatives to incarceration	<p>Alternatives to imprisonment included in S.20. S. 3&4:</p> <ul style="list-style-type: none"> • The Federal High Court can make an order requiring an offender to undergo measures such as treatment, education, aftercare, rehabilitation or social reintegration. But this is only possible for children and minors

	<p>Prosecution: the NDLEA Act grants prosecutorial powers to some agencies responsible for law enforcement against specific crimes such as drug-related crimes, corruption, human trafficking and others. However, it is generally understood that such powers are subject to the constitutional powers of the Attorney-General (Sections 150, 195, 174 and 211 of the Constitution of the Federal Republic of Nigeria)</p> <p>Courts: Federal courts (Supreme Court, Court of Appeal and Federal High Court); State Courts; Sharia Court of Appeal and the Customary Court of Appeal. Some Sharia courts in the north now have criminal jurisdictions. Under Section 26 of the NDLEA Act, the Federal High Court holds exclusive jurisdiction over the trial and sentencing of drug cases and other related matters</p>
<p>Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)</p>	<p>Prosecution: the NDLEA Act grants prosecutorial powers to some agencies responsible for law enforcement against specific crimes such as drug-related crimes, corruption, human trafficking and others. However, it is generally understood that such powers are subject to the constitutional powers of the Attorney-General (Sections 150, 195, 174 and 211 of the Constitution of the Federal Republic of Nigeria)</p> <p>Courts: Federal courts (Supreme Court, Court of Appeal and Federal High Court); State Courts; Sharia Court of Appeal and the Customary Court of Appeal. Some Sharia courts in the north now have criminal jurisdictions. Under Section 26 of the NDLEA Act, the Federal High Court holds exclusive jurisdiction over the trial and sentencing of drug cases and other related matters</p>
<p>Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)</p>	<ul style="list-style-type: none"> • The NDLEA Act, Art. 7 (3) stipulates that the NDLEA's counselling unit shall, in collaboration with the Federal Ministry of Health, have responsibility, inter alia for b) After care rehabilitation, social reintegration and education of people dependent on drugs; and c) the promotion of welfare of convicts. It is unclear how this is dealt with in practice. Additionally, an examination of what authorities described as treatment or counselling does not so qualify. Among the forms of treatment and counselling reported were general counselling, moral counselling, social counselling, treatment in a clinic, treatment for malaria, church activity, prayers, and brutality was mentioned as a form of treatment • Little focus on public health and human rights approach to drug control, and there is non-availability of the most basic drug-related health and treatment polices • Nigeria's 2009 HIV/AIDS policy document provided government commitments to increase the access of people who use drugs to a full range of harm reduction measures and to service providers offering treatment for drug dependence, sexually transmitted infections and tuberculosis, and create safe virtual or physical spaces (for example telephone hotlines, or drop-in centres) for people who inject drugs to seek information and referrals for care and support. The policy document rightly identified that unmet challenges/issues related to illegality of drug use and of harm reduction programmes can drive people who use drugs away from services and/or into prisons and fuel the spread of HIV (Nigeria HIV/AIDS Policy Document, 2009, p. 41)
<p>Explicit protections of human rights</p>	<p>No</p>
<p>Key institutions responsible for implementing the drug legislation</p>	<ul style="list-style-type: none"> • NDLEA and NAFDAC • Federal Ministry of Health • Federal Ministry of Internal Affairs
<p>Key institutions responsible for oversight (dedicated parliamentary committee, other)</p>	<ul style="list-style-type: none"> • Senate House Committees on Drugs & Narcotics, Health, and Judiciary, Human Rights and Legal Matters, • House of Representatives House Committees on Drugs & Narcotics, Human Rights, Healthcare Services, and Justice

Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	<ul style="list-style-type: none"> • The National Drug Control Master Plan (NDCMP) 2015-2019 makes provisions for the integration of a public health and human rights approach in the drug control system • The National Agency for the Control of AIDS (NACA) has a Nigerian 2009 HIV/AIDS policy document to increase access of people who use drugs to full range of harm reduction measures under the National HIV Treatment and Prevention Programme • There is USAID funded-SHIP for MarPS Project by Society for Family Health, Center for Right Health and PSI Consortium, Heart land Alliance (HAN) Project, and Chemonics, FHI360 & HIVN Project supported by USAID/CDC are various projects with a human rights and public health approach for the prevention, treatment, care and support for most-at-risk populations including people who use/inject drugs

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Law 97-18 of 1 December 1997 on the Code of Drugs
Subsequent legal challenges, amendments or complementary legislation passed	<ul style="list-style-type: none"> • The drug code of 1 December 1997, Act No. 97/18 • The Act 2007-31 of 27 December 2007 concerning the amendment of Articles 95 to 103 of the Code of drugs • Adoption of a policy of drugs not based on human rights, public health and the reduction of risks
Drug possession/use (if any distinctions made)	<p>There does not seem to be a distinction between use and possession in the law.</p> <ul style="list-style-type: none"> • Under Article 100, use and possession of drugs included in Table 3: prison sentence of 2 to 5 years + a fine equal to 3 times the value of the drug seized • Under Article 108, illicit use or possession of a prescription drug: the drug is seized and confiscated by judicial decision irrespective of any criminal prosecution and will be destroyed • Under Article 109, in the case of a plant or substance classified as elevated risk (including cannabis oil), a derivative of a cannabis plant other than cannabis oil, a plant or substance classified as a risk drug: the person concerned may be exempted from punishment if he/she has not reached the age of criminal majority, if this is a first-time offence, and makes a solemn declaration at the hearing that he/she will not to repeat the offence
Drug supply/production (if any distinctions made)	Under Article 95, a person who contravenes the provisions of the Code relating to the cultivation, production, manufacture, processing, storage, extraction, preparation, processing of high-risk drugs scheduled in Table I is punishable with prison sentence of 5 to 10 years + a fine equal to 3 times the value of the drugs seized
Other offences included in the law	Under Article 96, those who contravene the provisions of the Code relating to the export, import and international transport of drugs will be punished with a prison sentence of 5 to 10 years + a fine equal to three times the value of the drugs seized
Alternatives to incarceration	Under Article 120, when a person dependent on drugs convicted of one of the offences set out in articles 95 to 103 and 109 to 111 of the Code, the court may substitute or complement the sentence with a treatment or care appropriate to their condition. A decree fixes the procedure for applying these measures. The refusal by the offender to follow these measures is punishable by imprisonment of 2 to 5 years and/or a fine of CFA 500,000-3 million (USD 880-5,310)
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	Not clear from the law
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	Anyone who engages in illicit drug use may be subject to medical assessment at the offender's request or that of his/her family. If charged of drug dependence, the judge or public prosecutor refer the matter to the specialist medical practitioner for the necessary medical examinations (Decree No. 97-1219 of 17 December 1997 on measures to treat drug addicts)
Explicit protections of human rights	No
Key institutions responsible for implementing the drug legislation	Interdepartmental Committee of Fight against the drug (CILD), Central Office for the Suppression of the Illicit Traffic in Narcotics (OCRTIS), Ministry of Justice

Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	Comité Interministériel de Lutte contre la Drogue

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	National Drug Control Act, 2008
Subsequent legal challenges, amendments or complementary legislation passed	Anti Money Laundering Act
Drug possession/use (if any distinctions made)	There is no distinction between possession and use. Both are punished with a prison term of not less than 5 years. Additional orders requiring the offender to undergo treatment, education, aftercare, rehabilitation or social reintegration can also be invoked
Drug supply/production (if any distinctions made)	Supply and production under the law attracts life imprisonment. There is no distinction made for the two offences in the law
Other offences included in the law	<ul style="list-style-type: none"> • Prohibition of possession of equipment for the manufacture of drugs • Prohibition of acquisition of property derived from a drug offence • Prohibition of laundering the proceeds derived from a drug offence
Alternatives to incarceration	Not explicitly, but under section 12(3) where the person's offence is minor, the court can decide to impose a fine instead of handing down a harsher punishment
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	The High Court has the jurisdiction to prosecute all cases involving drugs in Sierra Leone The law imposes minimum and maximum sentences, taking away the discretionary powers of the judge
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	There are no explicit public health protections, but there are instances where the court decided that an individual needed treatment, and ordered the person to seek help from a health facility
Explicit protections of human rights	The law does not make any reference to public health or human rights. Its sole purpose is to criminalise a broad range of conducts in relation to controlled drugs, including possession and use
Key institutions responsible for implementing the drug legislation	Sierra Leone National Drug Law Enforcement Agency
Key institutions responsible for oversight (dedicated parliamentary committee, other)	Not stated in the law
Key institutions responsible for the role of the executive	The Executive exercises its power to implement the drug law through the Ministry of Justice and the Ministry of Health
Key institutions responsible for integration with other health programs	Not stated in the law

Is the country a signatory to the three drug conventions, and are there any reservations?	Signatory to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the 1961 Single Convention and the 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. No reservations
Key national legislation	Law 98-008 of 18 March 19984
Subsequent legal challenges, amendments or complementary legislation passed	No available information
Drug possession/use (if any distinctions made)	The law does not clearly define the difference between possession and use, and the judge can charge the offender with either. Penalties are 10-20 years' imprisonment + a fine of CFA 25,000-25 million (USD 40-44,260)
Drug supply/production (if any distinctions made)	Under Article 98, supply/production of drugs scheduled in Tables 1 and 2 are punished with 10-20 years' imprisonment + a fine of CFA 25,000-25 million (USD 40-44,260) Under Article 102, supply/production of drugs schedules in Table 3 are punished with 5-10 year's Imprisonment + a fine of CFA 100,000-50 million (USD 180-88,520)
Other offences included in the law	For the detention of materials and substances which may serve to produce a high-risk drug: prison sentence of 10-20 years + fine of CFA 250,000-125 million (USD 440-221,340)
Alternatives to incarceration	Under Article 123, a person dependent on drugs can exchange his/her sentence with an acceptance to undertake appropriate medical treatment
Jurisdiction (use of minimum sentences restricting judiciary powers, etc.)	There are mandatory sentences, but it is not clear from the law whether judges can go outside that mandatory zone
Explicit protection of public health (i.e. commitment to harm reduction, integration with health programmes, treatment provisions, etc.)	A person dependent on drugs can exchange his/her sentence with an acceptance to undertake appropriate medical treatment, but there are no explicit harm reduction services or public health interventions
Explicit protections of human rights	Not clear from the law
Key institutions responsible for implementing the drug legislation	Central Office for the Suppression of Illicit Drug Trafficking and Money Laundering
Key institutions responsible for oversight (dedicated parliamentary committee, other)	No available information
Key institutions responsible for the role of the executive	No available information
Key institutions responsible for integration with other health programs	No available information