

# ASPECTS OF THE FIGHT AGAINST THE TRAFFIC AND CONSUMPTION OF DRUGS

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## **Abstract**

Drug traffic is the main illegal activity of organized crime groups. The main problem is the fact that countries that export illegal drugs are not under the control of the European Union and sometimes not even under their own government's control, except for the synthetic drugs. Europe being the largest producer of synthetic drugs in the world.

UNESCO underlines the importance of the healthcare system, as health itself is considered "essential to life itself and must be considered social good and humane".

The Global Healthcare Organization, in 1946, defined health "as a completely favorable state, both physically, mentally and socially, and not merely the absence of disease or infirmity".

Ulterior, the definition was completed, with another one "Health is the capacity to lead a productive, social and economically stable life".

**Keywords:** the drug traffic, the European Union, the government's control, the healthcare system

*„There is nothing better in life than a state of good health”*  
Platon

## **CHAPTER I** **THE TRAFFIC AND CONSUMPTION OF DRUGS**

Drug traffic is the main illegal activity of organized crime groups. The main problem is the fact that countries that export illegal drugs are not under the control of the European Union and sometimes not even under their own government's control, except for the synthetic drugs. Europe being the largest producer of synthetic drugs in the world.

The most used illegal drug is cannabis (1,6%), followed by ecstasy (0.7%), heroin (0.3%) and cocaine (0.3%). Cannabis and ecstasy are the most used drugs with predilection by youth in between 15 and 34 years old, mostly males, especially from Bucharest/Ilfov regions and the Western side of Romania. The youngest age, declared by a respondent for the initiation in cannabis consumption is 14 years old, reports are showing that the average age of drug users is 22.

It's estimated that in Bucharest there are 18.297 problematic drug consumers, or persons that consume drugs for a extended period of time or regularly. The results of the syringes renewal program were used for this estimation. Comparative to past years, a slight growth is noticed, says the report, specifying that the main boundary for the realization of a country wide estimate is the availability of the programs and/or services from the rest of the country.

Drugs have a diversity of negative effects on a person, from panic, anxiety, depression or suspiciousness and paranoid tendencies, culminated with increased aggressiveness, even in decreasing intellectual performances, on the psychological plan, thus causing the progressive deterioration of social relationships and social exclusion risk growth, even in the involvement in criminal activities when under the influence of narcotics or to procure his regular dose of narcotics, in the social sphere.

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In the UE there is an increasingly higher tendency to differentiate between the criminal activities committed by persons for personal consumption, either pathological, or as a pseudorecreative need, as well as those associated with drug approvisionnement. Medical and/or social measurements are applied instead of punishment for drug possession.

For example, in Spain, Italy and Portugal, drug possession for personal consumption is looked upon as a so-called "administrative offence", in Luxemburg, it's applied only for cannabis. And in Italy, Germany and the Netherlands don't forbid drug consumption per se (for personal usage)

## **CHAPTER II**

### **THE EVOLUTION OF ROMANIAN LEGISLATION AGAINST ILLEGAL DRUG TRAFFICKING AND CONSUMPTION**

The preoccupation of the regulation of the Romanian jurisdiction against illegal drug trafficking appears since the XVII century, with Vasile Lupu's Code of Laws and obtains amplitude with the passing of time.

Thus, different regulations (1830-1964), regarding professional exertion of the apothecary and the pharmacist, sanitary laws from 1874, 1885, 1893 and their reviews from 1886 and 1893, referential to the toxin regime, required authorization by obtaining a specialty diploma; "Regulation of drugs and sale of prime medicinal substances", approved at 21 of April 1921, ordered the establishment of control on drugs by the General Leadership of the Sanitary Services of the Social and Health Care Ministry, founded in the same year.

Romania will accede at the "International Convention on opium" from 1925, in Geneva, by the Decree nr. 1578 from 21 of June 1928, promulgating then the Law nr. 58/1928 for the fight against the narcotic abuse – in the category which includes opiates – which prohibited the public and abusive consumption, possession, production, commercialization without medical authorization and illegal drug traffic enabling, foreseeing the necessary collaboration of the ascertaining reports of flagrant felonies with other means of probation. In July 1933, the state will establish a monopoly for narcotics.

By the law nr. 84 from 9 April 1933, Romania will accede at "The International Convention on the Limitation and Regulation of the Fabrication and Distribution of Narcotics" signed in Geneva, at 13 July 1931.

The law nr. 73/1969 on the product regime and narcotic substances and the Instructions nr. 103/1970 for the execution of the acts of this law appertains in the category of felonies "production, possession or any other operations on the circulation of products or of narcotic substances, cultivation with the goal of processing of plants

containing such substances, prescription by the medic, without necessity, of narcotic products or substances, organization or permission of said consumption in certain places" provided a list of said drugs and competent bodies to perform control on this matter.

"The Unique Convention on Narcotics" signed on 30 March 1961 in New York and "The Protocol of 1972" which amends this convention were ratified by Romania at 31 December 1973.

The Decree nr. 476/1979 on produce regime and toxic substances will specify the distinction among narcotics, on one side, and products and substances, on the other.

Romania will accede, by the Law nr. 118/1992 on 8 December 1992, at "The Convention Regarding Psychotropic Substances" –concluded on 28 February 1971 in Vienna – and at "The Convention Against Illegal Drug Trafficking of Narcotics and Psychotropic Substances" signed 20 December 1988 at Vienna. Until the appearance of the Law nr. 143/2000 regarding the fight against the illegal traffic and consumption of drugs, the trafficking of narcotics was sanctioned by the art. 312 from the Penal Law, modified by the Law nr. 140/1996, included in Chapter II – "Offences against public health" – of the title IX of the Penal Law.

Thus, in addition to the adherence at the international conventions from 1925, 1931, 1961, 1971 and 1988, Romania signed numerous protocols, memorandums of understanding and agreements bi or multilateral, regarding the eradication of illegal narcotic trafficking and the suppression of those found guilty of its proliferation.

**The Interministerial Committee of the fight against drugs**, founded through H.G. nr. 534/1999, is constituted in a nation organism meant to assure the durability and the coordination of the communication in between the Ministry of Internal Affairs and other state authorities regarding the measurement efficiency imposed to be taken in consideration by the setting of the war declared on narcotics.

In the Romanian Police setting, at the General Inspectorate of the Police level, functions The **Direction of the Fight against Organized Crime and Antidrug**, D.C.C.O.A., made of 2 enforcement agencies (The **Brigade of the Fight against Organized Crime and Antidrug Brigade**); according to the dispositions art. 26 from the Law nr. 143/2000, D.C.C.O.A is the only Romanian institution competent to centralize and capitalize the total of information regarding drugs, essential chemical substances, toxic chemical precursors and inhalants, regarding the coordination of the fight against illegal drug trafficking and consumption.

### CHAPTER III

#### THE CURRENT STATE OF ROMANIAN LEGISLATION REGARDING THE FIGHT AGAINST DRUG TRAFFIC AND CONSUMPTION

The drug phenomenon in Romania started acquiring, at the moment, particularly worrisome proportions, which should make all the factors in our country involved in the prevention and the counteraction of the white death scourge to take thought. A severe emphasis of the illegal drug traffic inside the Romanian border is remarked, with the necessary specification that the ascertainment number, separated or jointly, by the custom house officers and the police doesn't identify, never and in no country in the world, with the real situation of illegal drug trafficking that takes place effectively by the

criminal organizations or by the individuals in self interest. The massive and surprising implication of the Romanian citizen in committing drug trafficking, in continuous growth, made necessary a thorough juridical actualization and regulation in this matter.

Therefore, the Law nr. 143 of 26 April 2000 was adopted by the Romanian Parliament, regarding the fight against illegal drug traffic and consumption, which abolishes the dispositions or the art. 312 from the Penal Code concerning the narcotic substances or products, as well as other contrary dispositions. So from the Chapter II entitled "The sanctioning of trafficking and other illegal operations with illegal substances under national control" from the Law nr. 143/2000 we underline the following statements:

**Art. 2.** (1) The cultivation, production, fabrication, experimentation, extraction, preparation, transformation, offering, placement in sale, selling, distribution, delivery with any title, sending, transporting, procuring, buying, possession or other operations regarding the circulation of risk drugs, illegally, is punishable with prison from 3 to 15 years and the prohibition of some civil rights.

(2) If said facts provided by the paragr. (1) have as objective high risk drugs, the punishment is prison from 10 to 20 years and the prohibition of some civil rights.

**Art. 4.** (1) The cultivation, production, fabrication, experimentation, extraction, preparation, transformation, buying or possession of drugs for self consumption, illegally, is punishable with prison from 6 months to 2 years or with a fine.

(2) If said facts provided by the paragr. (1) regard high risk drugs, the punishment is prison from 2 to 5 years.

## **CHAPTER IV**

### **NATIONAL ANTIDRUG STRATEGY 2013-2020**

In the setting of the Government Meeting of Wednesday, 9 October a.c., the National Antidrug Strategy 2013-2020 and the Plan of Action between 2013-2016 for the implementation of the National Antidrug Strategy 2013-2020, were adopted by a decision, following that the two pragmatic documents to be published in the Official Monitor of Romania, Part I.

The National Antidrug Strategy 2013-2020 brings new elements regarding the reaction of the Romanian state towards the drug problems, by developing the mechanisms for coordination, interinstitutional collaboration, decisional transparency, research and strategic analysis.

The current legitimate normative act targets 5 directions of action, from which 2 directions are vertical and 3 are horizontal.

The vertical directions of action include the following:

- the reduction of drug requests, through the consolidation of the integrated national system for prevention and assistance, consistently with the scientific evidence, as well as the identification intervention, the allurements and motivation of the drug consumers in order to provide specialized assistance aiming social integration.

- reducing the drug supply, by identification and the destruction of trafficking networks, the reduction of the availability of drugs on the market and the efficient use of the system for law application, simultaneously with the development of the

institutionalized mechanisms for monitorization and control, coordinated and adapted to the current needs and the bad situation of the phenomenon to support the viable measures of the fight against it;

Also the horizontal directions involve the coordination in the drug domain by the implementation of a unitary concept of action in the field of the drug and precursor issues, the monitoring of the implementation of national politics, the efficient use of the available resources and the maximization of the results of the accomplished interventions. **National Cooperation**, through the reaffirmation of Romania's commitments, assumed through international documents, bilateral or multilateral, in which our country is a part of and strengthens the position as an active partner in the global effort to reduce the demand and supply of drugs and its precursors. **Improving the level of knowledge of the drug issue on national level** starting from the scientific evidence, through monitoring, researching and informing, by strengthening the role of the National Antidrug Agency as national coordinator in the drug and its precursors area as well as the development of a dialogue and cooperation platform between institutions implicated in the application of said strategy and between the government section and the non-government section.

Likewise, the new strategy promotes the state principles with emphasis on the humane approach of the drug consumers as a vulnerable group subject to risks of social exclusion, enrolled in the national normative setting and respecting the fundamental principles of the European Union: **respect towards human dignity, liberty, democracy, equality and the rule of law.**

## CHAPTER V

### ACTION PLAN ON THE STOCKHOLM PROGRAMME 2010-2014

Through the Action Plan on the Stockholm Programme, the European Commission engaged in adopting consolidating measurements of protection against serious felonies and organized crime. **The Treaty of Lisbon** being now in effect, the European answer to the drug issue must be firm and decisive, tackling aspects related to both the demand and the supply of drugs. The new legislation which involves the European Parliament and is implemented by the member states will be subject to control by the European Commission and ultimately by the Court of Justice of the European Union.

The European Commission wants to confer a new vitality to European politics regarding the fight against drugs. In its motion "**A budget for Europe 2020**", the Commission engages itself to provide financial support for the approach of future drug related challenges. The UE budget should concentrate on financing the actions that have an amplified and clear value, which also include: the resolution of problems regarding the new drugs, developing of practical innovations in the matter of prevention and treatment, the transboundary cooperation in the field of law application.

Starting from an integrated, balanced approach, scientifically based, the strategy addresses both old and new problems, such as policonsumption of drugs including the consumption of the combination of drugs and alcohol, the dynamics of the drug market generated by the use of the internet as means of distribution of drugs and the quality of

the services for the reduction of the demand, given the fact of Hepatitis C occurrence throughout the injectable drugs consumers and the risk of a HIV epidemic as well as other associated diseases.

An even growing number of new psychoactive substances, often meant to mimic the effects of controlled drugs, are available in Europe. Some of the said substances are sold directly on the black market, while other so called "legal drugs", are sold transparently. The EU Early Warning System continues to get reports of approximately one new substance per week in 2013.

The strategy develops the national politics setting, necessary for the implementation of a proactive response towards the drug, alcohol and nicotine consumption phenomenon, as well as towards the traffic of drugs and its precursors, through specific objectives and integrated actions of the national and local institutions. The new strategy aims to bring a bonus of value concerning the reaction of the Romanian state towards the problem of drugs, by developing mechanisms of coordination, interinstitutional collaboration, decisional transparency, research and strategic analysis.

## **CHAPTER VI**

### **CONCLUSION**

Taking advantage of the youths vulnerability, the complex networks of distribution are focusing especially on the young ages for both consumption and traffic.

The vicious circle created around the adolescent need to affirm themselves towards their group as well as the fear of being rejected by said group if they decline their offer, make them disregard the risks posed by taking their first dose, becoming in most cases addicted to risk drugs or high risk drugs, afterwards becoming in need to sell further on, to procure their next dose of narcotic, is caused by their lack of education by the state institutions and by its inactivity or its inefficiency in the battle against the organized traffic of illegal substances.