



N. Myroshnychenko

Candidate of Law Sciences, Professor at the Department of Criminal Law,
National University "Odessa Law Academy"

**APPLICATION OF CRIMINAL LAW RELATED
MEASURES TO PERSONS ABUSING DRUGS**

By ratifying a number of international conventions, Ukraine has joined the community of nations to combat illicit trafficking in narcotic drugs and psychotropic substances.

Drug addiction is understood as unhealthy mental state caused by chronic intoxication due to abuse of drugs claimed to be such by UN conventions or the Committee on Drug Control under the Ministry of Health of Ukraine, which is characterized by mental or physical dependence on them.

International conventions on combating drug trafficking (of 1961 and 1988) include provision for the possibility of drug treatment as an alternative punishment for committing minor "drug" offenses when the subject is an addict.

Although Ukraine has ratified these conventions, national legislation does not provide such alternative. People who abuse drugs are more often recognized as criminally liable. It is they who serve a punishment. Instead, persons engaged in the manufacture and marketing of drugs remain "in the shadows". It is necessary to review this trend of criminal policy. Worrying about the health of the nation, drug addicts should be treated first, and only after that – punished. The legislation of some foreign countries provides incentive rules for people who have committed misdemeanours or minor criminal offenses and suffer from drug addiction. These persons may be exempted from punishment and provided with drug treatment.

