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► [Race and the European criminal justice system: the position of visible minority drug users in the European criminal justice system.](#)

Adams N., Khan K.

**Connections Project, 2010.**

UK-based audit of race equality practice in seven European nations based on interviews with staff, service users and prisoners or ex-prisoners reveals that responses are 'colour-coded' even if not overtly racist. Recommendations are made for practice improvements.

**Original abstract** This is a multi-country report for Europe outlining some of the key issues pertaining to visible minorities and drug use in the criminal justice system. The report is written on the basis of research undertaken by [T3E \(UK\)](#) under the auspices of the [Connections Project](#).

*Methodology* Two tranches of interviews were undertaken: one with employees in the criminal justice system; and one with service users in the criminal justice system, many of whom also used drugs. Both questionnaires had a similar structure so that comparisons could be made between employees' interpretations of their service interventions and the service users' experiences of those. This included a section on the participants' identity background, in line with the EC's anti-discriminatory legislation, their respective target population groups, and its guidelines on equality monitoring. Overall across the seven listed countries, 42 staff and 95 service users were interviewed. The second aspect has involved talking to relevant organisations and people who have a stake in the area of drug services and the criminal justice system, but who may not operate in the direct service interface with drug users. The third level has been to cast as wide a net as possible to garner all the relevant secondary sources for each country and Europe wide, especially as these relate to the kernel issue of race, drugs and the criminal justice system.

*Conclusions and recommendations* This study indicates that there are emerging differences between the treatment of visible minority drug users in the criminal justice system, and in the recruitment of visible minority people to the criminal justice system, as well as their interpretations of those experiences.

Visible minority people are over-represented in criminal justice systems in Europe. This would appear to be the result of an admixture of discriminatory targeting of these population groups by law enforcement agencies and harsher immigration rules and laws governing their rights to stay. It is clear that many entering the criminal justice system appear to be doing so as a result of being accused of immigration law violations. On the other hand, the treatment of the Roma in many countries is blatantly racist, and this impacts on the outcomes of law enforcement agencies. Whilst many of these might be using drugs, they are less likely than white drug users to perceive this as a problem. Nevertheless, as many service employees attest, it is the first time that these visible minority people have had the opportunity to access drug services. Once released from incarceration, or transferred to other agencies, as is the case with those who have questionable immigration status, continuation of care appears to be a severe problem because visible minority service users either disappear, or, as in Italy, might find themselves in holding camps pending deportation.

With the political regression in rights for visible minority people (rights which are supposed to be enshrined in EC law), especially those who comprise the bulk of the participants in this study, ie, the Roma and North African immigrants, there is the potential for this situation to deteriorate further. In many of the participant countries there is the additional problematic dimension that the public sector in general is facing severe budgetary reductions, ones likely to impinge even more onerously on services traditionally placed on the margins, such as drug services.

The recommendations for change that emerge from this study cannot, therefore, solely be confined to criminal justice systems. They are, instead, multi-layered and dimensional, taking in the contiguous and overlapping contexts that impinge on, and influence, outcomes for visible minority drug users. The framework for immediate service changes has already been achieved and is reflected in the previous work undertaken by T3E (UK). The relevance of these still stand and can easily be adapted to the needs of agencies in the criminal justice system, especially drug services. Key to the achievement of the changes envisaged would be the following:

- relevant agencies picking up on the needs of visible minority drug users before they have the chance to be accessed by criminal justice agencies, particularly law enforcement ones;
- thereby diverting visible minority drug users away from the the criminal justice system into relevant social and health care agencies;
- these social and health care drug service agencies having the wherewithal, including political will, to take on the difficult task of providing unconditional help without being drawn into playing the roles of secondary agencies of the immigration, law enforcement and state security arms of national government.

However, there are three other complementary areas that need to be addressed, as itemised below.

**1** The thinking and practice of care agencies on visible minorities has to become more explicit in relation to racism and the effects on those population groups, and less what appears to be an intuitive approach of 'tolerance' towards perceived outsiders' cultures, because therein lies the temptation to indulge in negative judgements about the 'fitness' of those cultures. Practice grounded in the need to achieve full socio-economic, social and political rights for visible minorities is a better framework for achieving social justice,

and within that context, racial justice, than a practice which seeks integration on the basis of visible minorities' so-called 'need' to adapt culturally. In other words, there is a need for a service practice which jettisons pathologising culture, and one that seeks to work with and through difference – many of which are unjust social constructions – without eliminating difference.

**2** European immigration law is colour-coded both in relation to the control of external migration to the EC bloc, and internally, as the egregious expulsion of the Roma from France demonstrates. Put both those forces together, as happens currently in Italy, and there is the recipe for a racist denial of fundamental rights to care: a situation worsened in services traditionally treated as marginal, as in the case of drug services, or questionable, as in the case of the more punitive elements of the criminal justice system. The schism that exists between the normative potential of the EC's anti-discriminatory and human rights legislation and the constituent members' national immigration legislation, policies and practices, needs to be addressed urgently by the EC because not only, as this study shows, is there a direct negative effect on the most marginalised members of society, but also because by not doing so, as one commentator argues, we give succour to "barbarism with a human face".

**3** On the basis that the inadequacies thrown up by services' failures in relation to visible minorities often points to wider problems in the development and delivery of such services, ones which probably have also a negative impact on the general client group, there are a number of specific recommendations that can be made in relation to drug services in the criminal justice system. These are, briefly, as follows:

- the need at the EC level and at the member state level for drug policies to have an explicit equalities, and within that context, race equality, dimension to the objectives and necessary strategies and practices sought to achieve those ends;
- national drug strategies to include the recognition of the need for the development of and support for comprehensive drug and infectious diseases treatment services in the criminal justice system;
- national drug strategies to include the recognition of the need for the development of and support for comprehensive, multi-stakeholder post-release support and integration programmes and services;
- at the national level, the policy recognition of, and support for, the need for proper social and health care assessments of those poised to enter the criminal justice system as a precursor to care-based reasons for diverting to suitable treatment options;
- the need to tackle the prevalence of drugs in prisons;
- finally, this study is a part, albeit a discreet one, of the overall CONNECTIONS Project. These recommendations need to be cross-referenced with the activities and recommendations of all partners with the aim of embedding the equality dimension within the overall aim of developing integrated responses to drugs and infectious diseases in EU Justice systems, and addressing the needs of those who are doubly stigmatised by drugs and by race.

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