

REFORMING POLICING STRATEGIES UNDER THE CNSA FOR EFFECTIVE PERFORMANCE

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JANUARY 2025

EXECUTIVE SUMMARY

Drug dependence and narcotrafficking continue to be significant socio-economic challenges for Pakistan, with an estimated 7.6 million people use substances, based on the 2012-13 UNODC survey, a figure reiterated by the UN in 2022. A more recent survey was planned for 2023, but its findings are yet to be released.

The Control of Narcotic Substances Act, 1997 (CNSA), has long served as the principal legal framework for addressing drug-related offenses in the country. The Act was amended through the Control of Narcotic Substances (Amendment) Act, 2022, which introduced stringent penalties, including life imprisonment and the death penalty, for offenses involving the trafficking of specified narcotic and psychotropic substances, such as heroin, morphine, cocaine, and methamphetamine (ICE), based on prescribed quantities. However, the subsequent enactment of the Control of Narcotic Substances (Amendment) Act, 2023, repealed the provision of the death penalty, reflecting a policy shift towards a more proportionate sentencing framework. Despite these amendments, the legislative focus remains predominantly punitive, with insufficient emphasis on prevention, treatment, and rehabilitation strategies.

The principal recommendations of this study include: increased accountability of narcotics control authorities to mitigate corruption and promote openness; prioritizing rehabilitation rather than incarceration; emphasis on treatment-oriented initiatives; and implementation of community-oriented policing strategies to improve local engagement in counter-narcotics initiatives. It is also proposed that the authorities must optimize data acquisition and policy evaluation for effective decision-making; promote inter-agency cooperation to comprehensively tackle trafficking networks; utilize financial tracking systems to enhance anti-money laundering measures; and optimize the protocols of the Financial Monitoring Unit (FMU) to dismantle drug-related financial networks.

INTRODUCTION

Pakistan has long grappled with a multifaceted drug epidemic, which is shaped by its proximity to Afghanistan, the leading global producer of opiates. The country is a key transit route in the global narcotics trade, and is seeing an increase in domestic demand for illegal substances. The narcotics crisis is further shaped by various geopolitical factors, institutional corruption, and socio-economic disparities. Tackling it, therefore, requires a comprehensive reform strategy. The growing use of synthetic drugs, such as methamphetamine and ecstasy, has added to the challenges faced by Pakistan's law enforcement, public health, and national security systems.

1. Associated Press of Pakistan (APP), "Fresh survey on drug addicts to be conducted in 2023," available at: <https://www.app.com.pk/national/fresh-survey-on-drug-addicts-to-be-conducted-in-2023>

The CNSA Act, 1997, as amended in 2023 serves as the cornerstone of Pakistan's anti-drug strategy; however, its punitive approach has resulted in unintended consequences, including overcrowded prisons and inadequate rehabilitation services for individuals with drug dependence. Notably, the Act fails to provide for access to drug treatment within custodial settings, thereby falling short of Pakistan's international obligations to ensure adequate healthcare services for persons deprived of their liberty, as mandated under international human rights frameworks.

Pakistan's international obligations, including its accession to relevant UN and SAARC conventions, underscore the necessity for cross-border collaboration. However, domestic obstacles, such as porous borders, limited resources, and inadequate inter-agency coordination have greatly limited its prospects for playing a key role at the international level.

This policy brief outlines existing anti-narcotics strategies under the CNSA as well as prevailing policing practices. It uses the insights to advocate for integrating enforcement, prevention, and recovery-focused initiatives to address the drug crisis through a sustainable, human-centric approach.

ASSESSMENT OF POLICING PRACTICES

Current Strategies

Over the years, Pakistan has adopted various techniques to combat the proliferation of narcotics, relying on legal, institutional, and operational measures to tackle the production, trafficking and abuse of illicit substances. Here are the fundamental elements of various initiatives:

A. Legal Frameworks:

- **The Control of Narcotic Substances Act, 1997, as amended in 2022 and 2023** criminalizes narcotics-related offenses with severe penalties, including life imprisonment. However, its 90-day remand period conflicts with international standards, disproportionately impacting marginalized communities and violating the principle that pre-trial detention should be a last option under Guideline II.7 of the International Guidelines on Human Rights and Drug Policy.²
- **The Police Order of 2002/1861 Police Act** is aimed at professionalizing law enforcement by prioritizing autonomy, responsibility, and community engagement. Unfortunately, its implementation and execution have been patchy across the provinces.
- **The Public Safety Commission** was created to oversee and ensure accountability in policing. However, its efficacy has been constrained by its inability to sufficiently enforce its writ.
- **The primary criminal laws, Pakistan Penal Code (PPC), 1860, Code of Criminal Procedure (CrPC), 1898 and Qanun-e-Shahadat Order, 1984** augment anti-narcotics efforts by criminalizing associated offenses and defining the procedural criteria under which evidence is acquired and criminals are prosecuted.

B. Institutional Measures:

- **The Anti-Narcotics Force (ANF)** is the principal agency for drug enforcement. It is responsible for counter-trafficking operations, intelligence collection, and prosecuting offenders.

2. International Guidelines on Human Rights and Drug Policy, Guideline II.7, Freedom from Arbitrary Arrest and Detention, available at: <https://www.humanrights-drugpolicy.org>

- **The National Anti-Narcotics Policy (2019)** establishes a comprehensive framework for tackling drug-related issues via enforcement, prevention, and rehabilitation strategies.
- **The Inter-Agency Task Force (IATF)** is a cooperative entity consisting of 32 federal and provincial entities, which assists collaboration in counter-narcotics initiatives.
- **Eight out of fifteen police organizations** in Pakistan actively pursue narcotics cases and prosecute traffickers on drug-related offenses.
- **The Excise, Taxation, and Narcotics Control Departments** combat drug trafficking through intelligence operations, regulatory enforcement, and compliance oversight.
- The **Customs Department** also plays a crucial role in combating drug trafficking by enforcing border controls, intercepting illicit substances, and ensuring compliance with national and international regulations on controlled substances.
- **The National Forensics Agency Act, 2024**, recently established affords forensic expertise and support for investigations, courts, and authorities in civil, criminal, and public matters.

C. Operational Strategies:

- **Precursor Control Regimes:** Instituted to oversee and avert the exploitation of chemical precursors in the synthesis of synthetic narcotics, such as methamphetamine.
- **Border and Sea Management:** Reinforced barriers along the Pak-Afghan border and improved surveillance of sea routes to obstruct trafficking networks.
- **Seizures and Convictions:** Pakistan consistently ranks among the leading nations in narcotics seizures, with the ANF attaining an 85–96% conviction rate in prosecuted cases.
- **Asset Freezing and Forfeiture:** Efficient execution of anti-money laundering rules to identify, immobilize, and seize the assets of drug traffickers.

D. Community Involvement and Awareness:

- **ANF Youth Ambassador Program:** Actively involves youth in educational settings to advance drug prevention and awareness.
- **Public Awareness Campaigns:** Emphasize the perils of substance usage and the societal ramifications of narcotics use.

E. Rehabilitation and Therapy:

- **Model Addiction Treatment and Rehabilitation Centers (MATRCs):** They function in six locations across the country, and have treated more than 27,000 individuals with drug dependence since 2005.
- **Rehabilitation Programs:** These incorporate vocational training and psychological assistance to facilitate recovery and societal reintegration of people who use drugs.

F. International Cooperation:

- **Memorandums of Understanding (MoUs):** Pakistan has agreements with 37 nations for collaborative counter-narcotics operations, intelligence exchange, and extradition processes.
- **Foreign Drug Liaison Officers (DLOs):** Hosting DLOs has enhance intelligence exchange and operational collaboration with international partners.

G. Intelligence and Surveillance:

- **Controlled Delivery Operations:** Pakistan cooperates with global organizations in efforts to intercept narcotic shipments and disrupt trafficking networks.
- **Intelligence-Led Policing:** There is an emphasis on data-driven strategies to identify and dismantle high-value trafficking networks and disrupt supply chains.

PRINCIPAL CHALLENGES

A. Transnational Trafficking:

1. Pakistan's geographical proximity to Afghanistan means it is a principal conduit for international narcotrafficking activities.
2. The Pak-Afghan border, despite efforts to fence it, continues to be permeable, which facilitates smuggling operations.
3. The adoption of digital platforms, especially the dark web, has enabled traffickers to bypass traditional detection methods.
4. Ambushes targeting enforcement personnel, such as the 2020 assault on the ANF in Balochistan, highlight operational hazards.

B. Increasing Trafficking of Synthetic Drugs:

1. There are increasing reports of methamphetamine (ICE) and ecstasy usage in metropolitan locations, such as Karachi and Lahore.
2. There is insufficient specialization, experience and technology for the detection and interception of synthetic drugs.

C. Resource and Capacity Limitations:

1. The ANF faces a shortage of manpower, which constrains its operational capability.
2. There are just six Model Addiction Treatment and Rehabilitation Centers (MATRCs) across the nation, which cannot possibly meet the demand for rehabilitation services.
3. Erratic coordination and insufficient inter-agency collaboration between provincial police forces, customs personnel, and the ANF diminish the efficacy of anti-narcotics efforts.
4. Inter-agency collaboration is often undermined by tussles over jurisdictional overlap and competition over limited resources, which hinder cohesive action.
5. With prison occupancy exceeding 152%, the CNSA 2023 amendment, by prohibiting remissions, probation, and parole, exacerbates overcrowding and limits rehabilitation efforts.
6. Restricting rehabilitative measures under the CNSA undermines proportionate sentencing and violates the right to health under international human rights standards

CRIME STATISTICS AND PROVINCIAL TRENDS (2022-2023)

1. ANF Seizures and Activities

- The Anti-Narcotics Force (ANF) has been active in countering drug trafficking and addressing drug dependence, as reflected in the following data regarding its activities:

A. Domestic Seizures:

- 2020: 493.291 MT
- 2021: 273.730 MT
- 2022: 245.942 MT
- 2023: 396.516 MT
- 2024: 233.801 MT

B. International Operations:

- 61 operations conducted with 20 countries since 2003, leading to 165 arrests and 60 tons of illicit drugs seized.
- Additional operations with 32 countries since 2008, resulted in 528 arrests and 197 tons of narcotics confiscated.

C. Conviction Rate:

- The ANF maintains an impressive 85–96% conviction rate at the trial court level.

D. Asset Freezing and Forfeiture:

- Assets Frozen: Rs. 16,316.58 million.
- Assets Forfeited: Rs. 12,711.71 million.
- Assets Realized: Rs. 74.533 million.

E. Rehabilitation and Treatment Efforts:

- Operates 6 centers nationwide.
- 27,315 patients treated between 2005 and 2023.
- Major facilities include:
 1. Islamabad: 7,378 patients treated.
 2. Karachi Lyari: 8,935 patients treated.
 3. Quetta: 4,952 patients treated.

F. Nationwide Facilities:

- 96 government and private sector treatment centers.
- 33 drop-in centers offering support to drug dependents.

G. International Cooperation:

- Responded to 677 international assistance requests (2022–2024).
- Hosting 49 foreign DLOs for enhanced operational collaboration.

The ANF's consistent efforts are evident in its significant domestic and international drug seizures. However, it must scale its rehabilitation facilities nationwide to better balance its enforcement capabilities with its success in recoveries.

2. Police Seizures

Police forces across Pakistan have actively registered cases, made arrests, and seized significant quantities of narcotics in their ongoing efforts to combat drug trafficking and related crimes nationwide.

A. Total Cases Registered and Arrests:

- Police registered 163,468 narcotics cases during 2022–23 (in total; based on provincial and regional data), and made 166,888 arrests.

B. Convictions:

- However, relative to the number of arrests, the police managed to secure only 26,322 convictions nationwide (10,537 in 2022, and 15,785 in 2023), which reflects shortcomings in prosecution efforts.

C. Drug Recoveries (2022–2023):

- The police recovered a total of 179,020 kg of charas, 565.455 kg of heroin, and 83.324 kg of ICE in this period.

2.1. Provincial Police and Regional Insights

Punjab

i. Cases and Arrests:

- Punjab Police registered 85,820 cases and made 87,396 arrests during 2022–23, recording a slight increase in 2023.

ii. Conviction Rate:

- The conviction rate improved marginally from 10.6% in 2022 to 11.2% in 2023.

iii. Drug Recoveries:

- Punjab Police recovered 35,824 kg of charas, 74,658 kg of cannabis, 997 kg of heroin, 563 kg of opium, and 120 kg of ICE in 2022.
- In 2023, it recovered 35,824 kg charas, 71,912 kg cannabis, 1,000 kg heroin, 584 kg opium, and 138 kg ICE.

Recoveries of charas remained consistent over the years, while cannabis seizures saw a slight decline. The marginal increases in heroin, opium, and ICE seized highlight the shifting trafficking trends. It should be noted that a significant proportion of arrested individuals are repeat offenders, which highlights the need for effective rehabilitation programs to break the cycle of dependency and criminality.

Sindh

i. Cases and Arrests:

- Cases registered by the Sindh Police decreased from 9,708 in 2022 to 8,420 in 2023.

ii. Conviction Rate:

- There was a marginal improvement in the conviction rate, from 0.55% in 2022 to 0.6% in 2023, indicating persistent legal challenges.

iii. Drug Recoveries:

- Sindh Police recovered 23,000 kg of charas, 520 kg of heroin, 120 kg of ICE, and 78 kg of opium in 2022. In 2023, recoveries of charas increased to 25,780 kg, heroin to 630 kg, ICE to 160 kg, opium to 91 kg, and cocaine to 20 kg.

Karachi remains a hub for narcotrafficking activities, with notable increases in seizures of synthetic drugs reflecting the evolving drug trade.

Balochistan

i. Cases and Arrests:

- Cases registered by Balochistan Police rose from 1,977 in 2022 to 2,055 in 2023.

ii. Conviction Rate:

- On the other hand, conviction rates in narcotics cases fell sharply from 57% in 2022 to 18% in 2023.

iii. Drug Recoveries:

- Balochistan Police recovered 59.719 kg of heroin, and 10.561 kg of ICE in 2022. The numbers surged in 2023 to 298.599 kg of heroin and 41.662 kg of ICE in 2023.

Recoveries showed a fivefold increase in heroin seizures and a fourfold increase in ICE, signaling intensified trafficking activities.

Khyber Pakhtunkhwa

i. Cases and Arrests:

- KP Police registered 35,237 narcotics cases and made 38,032 arrests in 2023, reflecting a 5.7% increase from 2022.

ii. Conviction Rate:

- The conviction rate in narcotics cases improved slightly, from 7,895 convictions in 2022 to 8,036 in 2023.

iii. Drug Recoveries:

- KP Police seized 20,315 kg of charas, 1,850 kg of heroin, 2,010 kg of ICE, and 1,000 kg of opium in 2022.
- In 2023, 23,273 kg charas, 2,059 kg heroin, 2,201 kg ICE and 1,108 kg opium were recovered.

The consistent increase in recoveries suggests vigorous efforts to combat narco trafficking by the Khyber Pakhtunkhwa Police.

Islamabad

i. Cases and Arrests:

- Islamabad police registered 1,168 cases and made 1,230 arrests in 2022, which increased to 1,912 cases and 2,000 arrests in 2023.

ii. Conviction Rate:

- However, convictions dropped from 321 in 2022 to 280 in 2023, with acquittals rising from 84 to 124.

iii. Drug Recoveries:

- ICT Police recovered 688.465 kg of charas, 335.764 kg of heroin, 11.155 kg of ICE, 5.138 kg of opium, and 85 kg of cocaine in 2022.

- Meanwhile, 640.270 kg charas, 546.520 kg heroin, 15.201 kg ICE, 2.839 kg opium, and 25 kg cocaine were seized in 2023.

The drop in charas and opium recoveries, alongside increases in ICE and heroin seizures reveal shifting trends in drug trafficking.

Pakistan Railways

i. Cases and Arrests:

- Registered cases increased from 167 in 2022 to 201 in 2023.

ii. Conviction Rate:

- Convictions improved slightly, rising from 22 in 2022 to 27 in 2023.

iii. Drug Recoveries:

- Railways Police seized 59.826 kg charas in 2023.

Despite the modest seizure figures, the increase in registered cases signals improved surveillance and enforcement measures.

Gilgit-Baltistan (GB)

i. Cases and Arrests:

- Registration of narcotics cases rose by 6.4%, while convictions dropped significantly from 113 in 2022 to just 61 in 2023, reflecting a decline in successful prosecution.

ii. Drug Recoveries:

- GB police seized 3 g of heroin, 805 g of opium, 32.825 kg of charas, and 52 g of ICE in 2022.
- In 2023, 9 g heroin, 746 g opium, 45.365 kg charas and 108 g of ICE were seized.

The increase in charas and ICE recoveries indicates a shift in trafficking trends, while the decline in opium recoveries suggests changing regional consumption or supply patterns.

Azad Jammu and Kashmir (AJK)

i. Cases and Arrests:

- AJK Police registered 878 cases and made 1,216 arrests in 2022, compared to 868 cases and 1,307 arrests in 2023, reflecting a slight decrease in cases but a notable rise in arrests.

ii. Conviction Rate:

- Convictions in narcotics cases dropped from 164 in 2022 to 131 in 2023, indicating a decline in successful prosecutions.

iii. Drug Recoveries:

- AJK Police recovered 546.690 kg of hashish, 1.132 kg of ICE, 60.699 kg of heroin, 0.020 kg of cocaine and 2.423 kg of opium in 2022.
- In 2023, it seized 502.895 kg of hashish, 0.495 kg of ICE, 62.859 kg of heroin, and 3.281 kg of opium.

The decline in hashish and ICE recoveries alongside increases in heroin and opium points to changing trafficking dynamics in the region

ANALYTICAL SUMMARY

Though law enforcement agencies have increased their efforts towards making seizures and recoveries, there is considerable disparity in the conviction rates between different forces. This underscores the need for improved judicial mechanisms, improved inter-agency collaboration, and community-focused prevention strategies. The trends also suggest a need for improved forensic infrastructure and a balanced focus on both enforcement and rehabilitation efforts to address systemic challenges effectively.

Emerging Challenges

a) Evolving Drug Trafficking Landscape:

1. There are increasing recoveries of ICE and methamphetamine nationwide, which reflects a change in trafficking patterns.
2. Smuggling operations continue to exploit porous borders, especially along the Pak-Afghan corridor and Pakistan's coastline.
3. The drug trade is increasingly moving to digital platforms, including the dark web, which has complicated detection and disruption efforts.
4. Expansion of urban areas has created new centers for drug distribution, particularly in underserved regions.

b) Systemic Gaps in Enforcement and Prosecution:

1. The provinces routinely report abysmally low conviction rates, which undermines efforts for deterrence of crime.
2. Additionally, corruption weakens efforts to control the drug trade and allows traffickers to operate with impunity.
3. Limited forensic labs, inadequate rehabilitation centers, and resource shortages further hinder enforcement capacity.
4. The often-prolonged trials in narcotics cases discourage effective prosecution.
5. Poor intelligence sharing among international and regional partners hampers coordinated operations.
6. The CNSA's lack of distinction between possession and trafficking results in disproportionate sentencing, adversely affecting vulnerable groups and conflicting with international human rights standards on proportionality in drug policy

c) Societal and Policy Pressures:

1. Less than 3% of drug offenders are directed to treatment, which reflects a reliance on punitive rather than restorative measures.
2. Over 60% of offenders are aged 18–30, which signals that young populations are particularly vulnerable to the drug trade.
3. Rising cases of HIV and hepatitis among people who use drugs exacerbate the resource strain on existing healthcare systems.
4. The decriminalization of cannabis in some countries has complicated international counter-narcotics efforts.

Analysis and Trends

a) Issues:

1. The investigation officers (I.Os) and witnesses in narcotics cases often lack knowledge of CNSA provisions and legal procedures, which results in procedural lapses.
2. Broken chains of custody, improper detentions, and procedural violations undermine the prosecution effort.
3. A shortage of narcotics analysts at FSL and underdeveloped forensic capabilities further hinder operations

b) Acquittal Reasons:

1. Poor case documentation and contradictory witness statements frequently lead to acquittals.
2. A failure to adhere to legal guidelines also weakens prosecutorial cases.

c) Strategic Directions:

1. I.Os for narcotics cases should train with UNODC and other recognized forums to ensure compliance with legal standards and enhance the enforcement capacity.
2. Victim identification should be prioritized and direct offenders should be sent to rehabilitation centers instead of penal facilities.
3. Forensic processes must be strengthened and proper record-keeping must be ensured to improve case outcomes.

d) Trends

1. Challenges, such as the increase in trafficking of synthetic drugs, procedural inefficiencies, and resource shortages, underscore the need for an integrated strategy to improve anti-narcotics efforts. Enhancing personnel training, inter-agency intelligence sharing, and taking a more victim-focused approach will be critical to addressing these issues effectively.

WAY FORWARD

Interim Measures (1-2 years):

1. Streamline evidence-collection processes to improve the conviction rate. Establish specialized narcotics courts for swift resolution of all cases.
2. Launch targeted awareness programs in schools and colleges, especially in high-risk regions.
3. Improve intelligence-sharing networks and establish operational agreements with international bodies like UNODC.
4. Increase funding to support existing rehabilitation facilities and also establish mobile units for outreach in underserved areas.

Mid-Term Strategies (3-5 years):

1. Build two fully equipped forensic labs in each division by 2026, which will help address regional disparities in drug detection and prosecution capabilities.
2. Develop specialized task forces with expertise in the trafficking of synthetic drugs and urban drug interdiction.
3. Institutionalize regular evaluation mechanisms to assess the impact of reforms on conviction rates, rehabilitation success, and inter-agency efficiency.
4. Increase referrals to rehabilitation centers, aiming to refer 15-20% of all offenders by end 2025, with a focus on their skill-building for reintegration into society.

Long-Term Objectives (5+ years):

1. Create a centralized narcotics intelligence system for real-time data sharing and policy-making across all agencies.
2. Introduce nationwide harm reduction programs, including safe syringe distribution programs, mobile treatment units, Opioid Agonist Maintenance Treatment (OAMT), and access to antiretroviral drugs to address public health concerns among people who use drugs.
3. Promote legal reforms to align with global best practices while ensuring fair trials and proportionate sentencing in narcotics cases.

CONCLUSION

The CNSA framework must evolve to effectively address the complexities of anti-narcotics efforts by prioritizing rehabilitation, enhancing inter-agency coordination, and adopting evidence-based strategies. A unified approach involving policymakers, law enforcement, and communities is essential to combat the drug crisis and ensure a secure and sustainable future for Pakistan. Future amendments should shift the legislative focus from a predominantly punitive approach to a more balanced strategy that emphasizes prevention, treatment, and rehabilitation.

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Data Sources:

Data courtesy of the Anti-Narcotics Force (ANF) and Police Departments across Pakistan.

DRAFTED BY: DR. SYED KALEEM IMAM IN COLLABORATION WITH JUSTICE PROJECT PAKISTAN (JPP)

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