

## **Respect for human rights as an integral part of a balanced approach to addressing the world drug problem**

1. The international drug control system was established out of concern for the health and welfare of humankind and with the aim of meeting the medical and scientific needs for narcotic drugs and psychotropic substances, while preventing the illicit use of controlled substances and, in the case of precursor chemicals, to prevent their use in the illicit manufacture of narcotic drugs and psychotropic substances. The key elements of this core objective — children, young people, health and well-being — are also at the core of relevant resolutions adopted by the United Nations General Assembly, the Economic and Social Council (ECOSOC) and the Commission on Narcotic Drugs as well as international instruments with a direct link to human rights.<sup>1</sup>
2. One of the shared elements to all declarations, action plans and resolutions that underline the principle of a comprehensive, integrated and balanced approach to addressing the world drug problem is the commitment to ensuring compliance with human rights norms.<sup>2</sup> Human rights has been highlighted as a crosscutting issue for international drug policy, notably with regard to supply reduction, demand reduction and international cooperation. Over past years, actors critical of the drug control system base, at least part of their argumentation, on the premise that the drug control conventions stand in contradiction to human rights norms. Such a discourse needs to be analysed and validated through the prism of existing human rights legal norms and their authoritative interpretation by concerned human rights treaty bodies.
3. The usage of the term human rights has to make specific reference to legal rights as stipulated in existing international legal instruments, notably the nine core human rights conventions.<sup>3</sup> Moreover, the human rights treaties employ the same language and rationale as used in the preambles to the drug control treaties. Thus, there is convergence rather than a divergence of human rights norms and the international drug control conventions.
4. Some policies in some countries, such as militarized law enforcement, policies that disregard human rights, extensive use of incarceration, the denial of medically appropriate treatment and inhumane or disproportionate approaches, are not in accordance with the principles of the drug control conventions. In addition to indirect and unintentional consequences for human rights via lawless, corrupt and arbitrary governance, and violence can threaten efforts to safeguard human rights. This is especially true when drug trafficking and corruption weaken legitimate institutions of governance and contribute to the failure of national authorities or prevent weak States from developing robust institutions.
5. INCB reiterates that drug control action must be consistent with international human rights standards and norms relevant in the context of each element of a comprehensive, integrated and balanced approach. States parties must make full use of international legal instruments to protect children from drug abuse and ensure that national and international drug control strategies are in the

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<sup>1</sup>For example, article 33 of the Convention on the Rights of the Child, stipulates the legal obligation to protect children from illicit drug use and prevent the use of children in the illicit production and trafficking of such substances; article 24 of that Convention, on the right of the child to health; and article 12 of the International Covenant on Economic, Social and Cultural Rights, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

<sup>2</sup> INCB Annual Report 2014, Respect for human rights norms as an integral element of a comprehensive, integrated and balanced approach, pp 24-25

<sup>3</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations, Treaty Series, vol. 1465, No. 24841); Convention on the Elimination of All Forms of Discrimination against Women (United Nations, Treaty Series, vol. 1249, No. 20378); Convention on the Rights of Persons with Disabilities (United Nations, Treaty Series, vol. 2515, No. 44910); Convention on the Rights of the Child (United Nations, Treaty Series, vol. 1577, No. 27531); International Convention for the Protection of All Persons from Enforced Disappearance (General Assembly resolution 61/177, annex); International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, Treaty Series, vol. 660 No. 9464); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations, Treaty Series, vol. 2220, No. 39481); International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex); and International Covenant on Economic, Social and Cultural Rights (General Assembly resolution 2200 A (XXI), annex).

best interests of the child.<sup>4</sup> The Board has also advised all countries that continue to retain the death penalty for drug-related offences to consider abolishing capital punishment for this category of offences.<sup>5</sup>

6. The Board encourages Governments to respect all human rights norms in designing drug-related strategies and policies, to make full use of the available international legal framework in order to protect children from the illicit use of narcotic drugs and psychotropic substances, to prevent the use of children in the illicit production and trafficking of such substances, and to ensure that national and international drug control strategies and policies take into consideration the principle of the best interests of the child.

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INCB is the independent, quasi-judicial body charged with promoting and monitoring Government compliance with the three international drug control conventions: the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

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<sup>4</sup> Article 38 of the Single Convention on Narcotic Drugs, 1961, Measures against the Abuse of drugs: “1. *The Parties shall give special attention to and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall co-ordinate their efforts to these ends*”.

<sup>5</sup> INCB Annual Report 2015, Respect for human rights, page 8