

# Chapter IV.

## Recommendations to Governments, the United Nations and other relevant international and national organizations

806. The present chapter contains the Board's most important observations contained in the present report and the related recommendations. As always, the Board would appreciate receiving feedback from Governments and international organizations alike regarding their experiences, including difficulties encountered, in implementing the provisions of the international drug control conventions and the recommendations contained in the Board's annual reports.

### Women and drugs

807. At the special session of the General Assembly on the world drug problem held in 2016, the importance of incorporating gender perspectives into drug-related policies and programmes was highlighted. Focusing on drug abuse among women in its four main aspects (epidemiology, consequences, special populations and treatment), INCB has highlighted a number of gender-specific problems. For example, while overall drug abuse among women remains low by comparison with such abuse among men, women are more likely to misuse prescription drugs. In addition, the proportion of women involved in drug offences is increasing, and special populations, such as female prisoners and sex workers, experience acute problems. Often, stigma prevents women from seeking and/or accessing treatment and rehabilitation services.

*Recommendation 1:* The Board urges Governments to better design, fund and coordinate prevention, treatment and rehabilitation activities related to drug abuse among women. As a first step, Governments are encouraged to

collect gender-disaggregated data on drug abuse and treatment participation, in order to allow for, for example, the efficient allocation of resources.

*Recommendation 2:* Governments should give priority to providing easily accessible health care for drug-dependent women, keeping in mind that targeted and evidence-based interventions are particularly effective. Drug treatment programmes must be able to guarantee personal safety and confidentiality with women-only spaces or times, particularly for women engaged in sex work or women who have experienced violence. Special groups, such as drug-dependent women who are pregnant, need the enhanced services of specially trained multi-disciplinary teams.

*Recommendation 3:* Treatment, education, aftercare, post-prison rehabilitation and/or social reintegration services should be offered to drug-dependent women who have committed criminal offences, in order to provide more humane, effective and proportionate alternatives to conviction, taking into account the seriousness of offence committed, within the flexibility afforded by the conventions. The use of non-custodial options (such as those foreseen in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)) requires increased collaboration between public health and justice authorities. Preventing the harm that women and their children experience from incarceration requires special strategies, as well as measures designed to reduce the likelihood of reoffending. Providing basic health services in prisons is essential, and substandard and unhealthy living conditions, as well as any source of psychological, sexual or physical violence, must be eliminated.

## Special session of the General Assembly on the world drug problem held in 2016

808. INCB welcomes the adoption by the General Assembly of the outcome document of the special session of the Assembly on the world drug problem held in 2016, in which Member States reaffirmed their commitment to the international drug control conventions and which contains a practical plan of action for Member States to deal with the world drug problem.

**Recommendation 4:** INCB strongly encourages strengthened international cooperation towards addressing the world drug problem on the basis of shared responsibility, as emphasized in chapter I of the Board's annual report for 2012.<sup>69</sup> The Board looks forward to continuing its cooperation with Governments and civil society with a view to improving the drug control situation worldwide in the context of the 2030 Agenda for Sustainable Development. States are encouraged to move further towards the 2019 target date for review of the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem.

### Proportionality

809. Disproportionate responses to drug-related offences undermine the aims of the conventions and can also have a negative impact on the application of and compliance with the rule of law. The treaties allow States to focus the most severe penalties on more serious forms of crime, such as trafficking and money-laundering, giving States a certain discretion in the legislative and policy choices they make in implementing their obligations under the three conventions when addressing drug-related offences.

**Recommendation 5:** The principle of proportionality, as discussed in chapter I of the Board's annual report for 2007,<sup>70</sup> must continue to act as a guiding principle in drug-related matters. Although the determination of sanctions applicable to drug-related crime remains the prerogative of States parties to the conventions, INCB reiterates its position on the issue of capital punishment for drug-related offences and encourages States that retain capital punishment for drug-related offences to consider the abolition of the death penalty for that category of offence.

<sup>69</sup>E/INCB/2012/1.

<sup>70</sup>E/INCB/2007/1.

810. The recently reported extrajudicial targeting of persons suspected of illicit drug-related activity is not only a breach of the three conventions, which require a criminal justice response to drug-related offences and also require the parties to take all practicable measures for the prevention of drug abuse and for the early identification, treatment, education, aftercare, rehabilitation and social reintegration of the persons affected, also constitutes a serious breach of human rights standards, including the right to due process.

**Recommendation 6:** The Board urges all Governments concerned to put an immediate stop to extrajudicial acts of violence or reprisal against persons suspected of illicit drug-related activity and to investigate and sanction, as warranted, the aiding and abetting, encouragement, counselling or incitement to commit these acts, in full observance of due legal process and the rule of law.

### Availability

811. The outcome document of the special session of the General Assembly on the world drug problem held in 2016 includes operational recommendations on ensuring the availability of and access to controlled substances for medical and scientific purposes, while preventing their diversion. INCB stands ready to continue to support Governments in their efforts to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, in coordination with other relevant international, regional and national organizations.

**Recommendation 7:** INCB urges all Governments to fully implement the operational recommendations on ensuring the availability of and access to controlled substances for medical and scientific purposes, while preventing their diversion, contained in the outcome document of the special session of the General Assembly on the world drug problem held in 2016, and the recommendations contained in the supplement to the Board's annual report for 2015.<sup>71</sup> Furthermore, INCB invites Governments to support and participate in concrete initiatives for the implementation of the operational recommendations contained in the above-mentioned outcome document, including the project named INCB Learning (see also paras. 154-157, above).

812. Some Governments are not in a position to implement the above-mentioned recommendations on their

<sup>71</sup> *Availability of Internationally Controlled Drugs: Ensuring Adequate Access for Medical and Scientific Purposes* (E/INCB/2015/1/Supp.1).

own. They need advice, training and resources to address the limitations of their systems.

**Recommendation 8:** The Board again calls upon the international community to improve cooperation among Governments, international organizations (WHO, UNODC, UNAIDS and the United Nations Development Programme, among others), the donor community and civil society organizations to ensure the sharing of expertise and the coordinated delivery of resources and technical support to countries in need of assistance.

## Consumption of psychotropic substances

813. The Board is concerned that fewer than 60 countries submit data on consumption of psychotropic substances. These data are essential to enable the Board to analyse the levels of consumption and promote the adequate availability and rational use of such substances.

**Recommendation 9:** The Board appreciates the cooperation of the Governments concerned and calls upon all Governments to report on the consumption of psychotropic substances on an annual basis, pursuant to Commission on Narcotic Drugs resolution 54/6, as such data are essential for an improved evaluation of the availability of psychotropic substances for medical and scientific purposes.

## National control measures for psychotropic substances

814. While most countries and territories have already introduced an import and export authorization requirement for psychotropic substances listed in Schedules III and IV of the 1971 Convention, in accordance with Economic and Social Council resolutions 1985/15, 1987/30 and 1993/38, a limited number of States have not yet done so, despite reminders, and have not aligned their national control measures with those stipulated in the aforementioned resolutions.

**Recommendation 10:** The Board urges the Governments of the few remaining States in which national legislation does not yet require import and export authorizations for all psychotropic substances to extend the system of import and export authorizations provided for in article 12, paragraph 1, of the 1971 Convention to cover international trade in substances listed in Schedules III and IV as soon as possible and to inform the Board accordingly.

## Cannabis

815. Some States have introduced or are considering the introduction of measures that would allow the use, distribution and sale of cannabis for non-medical purposes.

**Recommendation 11:** INCB reiterates that such measures are not in line with the international drug control conventions and reminds all parties of their legal obligation to take legislative and administrative measures to limit exclusively to medical and scientific purposes the cultivation, production, manufacture, export, import, distribution of, trade in and use and possession of narcotic drugs, including cannabis, and psychotropic substances throughout their entire territories.

816. Some States have attempted to justify the legalization of the use of cannabis for non-medical purposes by the need to address the disproportionate representation in the criminal justice and prison systems of drug users belonging to minority groups. However, the conventions do not require the imposition of imprisonment for drug users and provide alternatives to incarceration.

**Recommendation 12:** The Board encourages States with high rates of arrest and incarceration of drug users for minor drug-related offences to consider availing themselves of the possibility provided for in the international drug control conventions to adopt non-punitive responses to such circumstances.

817. The 1961 Convention allows States parties to use cannabis for medical purposes. Reflecting concerns about abuse and diversion, the Convention establishes an additional set of control measures that should be implemented in order for programmes for the use of cannabis for medical purposes to be in compliance with the Convention.

**Recommendation 13:** All Governments that have established programmes for the use of cannabis for medical purposes, or that are considering such initiatives, are reminded of their reporting and licensing obligations under the international drug control treaties. Such programmes must ensure that the prescription of cannabis for medical purposes is performed with competent medical knowledge and supervision and that such prescription is based on sound medical practice. States parties to the 1961 Convention in which research on the use of cannabis for medical purposes is ongoing are invited to share their findings and any other data on the medical usefulness or otherwise of cannabis with INCB and with WHO and other relevant international organizations.

## Complete, accurate and timely reporting

818. One of the central areas in ensuring the balance between the availability of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes and preventing their diversion and abuse is the role of the Board in collecting national estimates and assessments for the licit requirements of those substances. These are essential elements of the international drug control system and enable exporting and importing countries to prevent diversion from international trade. Competent national authorities play a key role in consolidating the data received from pharmaceutical companies, importers and exporters and other authorized agents within their jurisdictions to ensure that complete and reliable data are provided in a timely manner to the Board. However, some Governments still fail to provide the Board with timely and adequate estimates and assessments, and reliable statistical returns, including quarterly and annual statistics on international trade.

**Recommendation 14:** Governments should provide to the Board, in an accurate and timely manner, the information requested pursuant to the treaties and relevant resolutions of the Commission on Narcotic Drugs and the Economic and Social Council. In addition, government authorities are urged to provide for the training of staff to enable them to fulfil their reporting obligations under the international drug control conventions and to take the necessary steps to maintain the knowledge base of their employees at times of staff turnover.

## Precursors

819. The Board considers precursor control as a form of preventing serious illicit activity. To that end, INCB provides tools such as PEN Online and PICS, which should be actively used by Governments for the exchange of information in order to enhance international control over precursors. The increasing use of non-scheduled precursors in the illicit manufacture of drugs is another issue that demands flexible approaches and effective cooperation at the international level.

**Recommendation 15:** The Board calls upon Governments to continue to monitor international trade in precursors by actively using PEN Online. Competent national authorities are encouraged to request the assistance of the Board, as needed, in ascertaining whether a suspicious individual transaction is legitimate or not.

**Recommendation 16:** INCB encourages all Governments to make use of the Board's guidelines for the

establishment of partnerships with the private sector for the control of precursors and for addressing the emergence of so-called "designer precursors".

820. In recent years, the Board has observed a shift in the diversion of precursors from international to domestic trade. While that shift may be an indicator of the successful functioning of the precursor control system at the international level, it exposes potential weaknesses in the design of domestic control systems, which the 1988 Convention leaves to the discretion of States parties.

**Recommendation 17:** Increased attention must be paid to establishing and implementing comprehensive precursor monitoring systems at the national level, focusing on domestic trade. Article 12, paragraph 8, of the 1988 Convention provides some guidance on possible basic features of such a system. Several initiatives of the Board, including Project Prism and Project Cohesion, also offer a platform for the exchange of information on best practices in precursor control.

## New psychoactive substances

821. With an increase in the prevalence of abuse and an increase in reported health consequences and fatalities, new psychoactive substances continue to pose a serious problem to public health.

**Recommendation 18:** The Board encourages all Governments to take practical measures to prevent the abuse and related consequences for individuals and society of new psychoactive substances, to share existing knowledge, experiences and good practices, and to pursue and enhance collaboration and the utilization of various initiatives on the issue. In particular, the Board encourages all Governments to make full use of the global focal point network of Project Ion and its incident communication tool (IONICS).

## Use of modern technology

822. As with most online electronic systems established to respond to practical challenges, the effectiveness of the INCB online tools (namely I2ES, PEN Online, PICS and IONICS) depends on the number of participating Governments, the extent of utilization, the quality, timeliness and volume of the data shared and the availability of sustained support, including financial support, to operate and maintain the systems.

*Recommendation 19:* The Board expresses its appreciation to all Governments that have provided financial support and technical input for the development of all INCB electronic tools. Further use of those electronic tools by Governments and further political and financial support are required to ensure the further success of their implementation and to enable INCB to administer them in line with its mandate and to provide reliable, responsive and tailored user support to competent national authorities. The Board therefore invites all Governments to fully utilize the available tools, which are available to them at no cost, and to provide further ongoing support, including financial support, to sustain the range of electronic tools made available by INCB, so that it can improve and further develop such tools as the need arises.

### Application of the international drug control treaties in specific countries and regions

823. The deteriorating drug control situation in Afghanistan remains a matter of the gravest concern. That situation not only negatively affects the people of Afghanistan, but has ramifications for the drug control and security situation worldwide. INCB has continued close consultations with the Government of Afghanistan under article 14 of the 1961 Convention, which it invoked in 2000 in view of the serious situation in the country.

*Recommendation 20:* The Board calls upon the Government of Afghanistan, with the assistance of the Governments of its development partners and in cooperation with relevant international and regional organizations, to further and urgently address the drug control situation in the country. In that context, the Board urges the Government of Afghanistan to translate its commitment into specific actions in order to ensure that substantial, sustainable and demonstrable progress is achieved in addressing the illicit cultivation and production of narcotic drugs, and related trafficking and money-laundering, as well as in promoting effective alternative development and livelihood programmes and reducing

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drug demand by expanding drug abuse prevention initiatives and programmes to provide treatment, rehabilitation and recovery services to those affected by drug abuse.

824. Although Africa is perceived mainly as a transit region for drug trafficking, it is increasingly becoming a consumer market for all types of drugs of abuse. While illicit production of, trafficking in and abuse of cannabis have remained major challenges throughout many parts of Africa, heroin abuse is also reportedly growing.

*Recommendation 21:* The Board appeals to the Governments of countries in Africa, as well as to international partners, to allocate necessary resources with a view to preventing a deterioration of the drug abuse and trafficking situation in the region. Preventing drug-related problems remains an important element of wider efforts towards improving the security and socio-economic situation throughout Africa.

825. Owing to a paucity of detailed and reliable information related to abuse and treatment in Africa and Oceania, assessing the extent of drug abuse and accurately estimating the number of people in treatment in those regions remain challenging. Such data are a prerequisite for the design and implementation of appropriate prevention and treatment strategies.

*Recommendation 22:* INCB calls on the Governments of countries in Africa and Oceania to step up their efforts to increase the collection of data on drug abuse and treatment.

826. Trafficking in and abuse of “captagon” tablets, containing amphetamine, continues to be on the rise in West Asia, accompanied by increased numbers of seizures.

*Recommendation 23:* The Board urges Governments to take an active part in INCB initiatives under Project Prism, which provides for cooperation among national authorities and relevant international organizations, to identify the way in which precursors used for the manufacture of “captagon” tablets, namely precursors needed for the illicit manufacture of amphetamine, are obtained and trafficked, and to address the problem of abuse of the substance.

(Signed)  
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