

I. Introduction

A. Description of the problem

The World Wide Web provides valuable services to a growing community of users. More and more people are accessing online medical services, including for the supply of pharmaceuticals by duly licensed and legally operating Internet pharmacies. Such Internet-based services are an important complement to the services provided by the traditional health-care system, in particular for people in remote areas with limited access to medical services.

However, the Internet is increasingly being misused for illegal activities. Among the many well-known criminal activities involving the Internet, drug trafficking has reached major dimensions. Internet-based drug trafficking includes the sale of illicit drugs and, increasingly, the illegal sale of pharmaceuticals containing narcotic drugs and psychotropic substances. Those pharmaceuticals, which have a high abuse potential, have become a significant problem in many countries because they have partly replaced traditional drugs of abuse. In several countries, the abuse of prescription drugs has become a major problem, second only to the abuse of cannabis.

The illegal sale of pharmaceuticals is facilitated by websites that present themselves as Internet pharmacies and supply controlled narcotic drugs and psychotropic substances without meeting the legal and administrative requirements established for traditional pharmacies. In such cases, the term "Internet pharmacy" is misleadingly used to imply that a bona fide pharmacy is carrying out the transaction. However, in most cases such Internet pharmacies have no physical or legal connection with a legal pharmacy and should, in fact, not be considered pharmacies at all. Many of these virtual enterprises are owned by criminal networks and have various branches that deal, for example, in the illegal acquisition and supply of medicines, the provision of sham prescriptions and the smuggling of drugs.

In recent years, the volume of illicit sales of narcotic drugs and psychotropic substances through websites has risen, making the Internet a major source of drugs for drug abusers. Many of the drugs are addictive; some are highly potent and their abuse can have fatal consequences. Particular concern has been expressed with regard to the ease with which children and adolescents can obtain such drugs, using the anonymity afforded to them by the Internet. In addition, the quality of medicines purchased illegally through Internet pharmacies and other websites

cannot be guaranteed and customers risk purchasing medicines that are counterfeit products.

Internet pharmacies operate through websites hosted by servers located all over the world. The problem is of a global nature and constitutes a new challenge in terms of investigative and preventive efforts. To counteract this development, measures need to be taken at the national and international levels, including by strengthening cooperation between national authorities and relevant international bodies such as the United Nations Office on Drugs and Crime (UNODC), the International Narcotics Control Board, the Universal Postal Union, the International Criminal Police Organization (INTERPOL) and the World Customs Organization.

B. Treaty background

The International Narcotics Control Board, which was established by the Single Convention on Narcotic Drugs of 1961,¹ is responsible for promoting Governments' compliance with the international drug control treaties and for monitoring the international drug control system, in accordance with the provisions of those treaties.²

For a number of years, the Board has noted with concern the matter of the illegal trade in internationally controlled substances³ through the Internet, the smuggling of such substances by mail and the increase in the number of related incidents reported.⁴ That concern was also expressed by the Commission on Narcotic Drugs in its resolution 43/8 and by the Economic and Social Council in its resolution 2004/42 of 21 July 2004. In its resolution 50/11, the Commission encouraged Member States to notify the Board, in a regular and standardized manner, of seizures of internationally controlled licit substances ordered via the Internet and delivered through the mail, in order to fully assess trends relevant to the issue. In that same resolution, the Commission also encouraged the Board to continue its work with a view to raising awareness of and preventing the misuse of the Internet for the illegal supply, sale and distribution of such substances.

¹United Nations, Treaty Series, vol. 520, No. 7515.

²The Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol (United Nations, Treaty Series, vol. 976, No. 14152), the Convention on Psychotropic Substances of 1971 (United Nations, Treaty Series, vol. 1019, No. 14956) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (United Nations, Treaty Series, vol. 1582, No. 27627).

³The term "internationally controlled substances" applies to the substances included in the schedules of the 1961 Convention and the 1971 Convention, as well as to the tables of the 1988 Convention. It applies to pharmaceutical products containing those substances and to the raw materials. See also the definition provided in the glossary contained in the annex to the present document.

⁴In accordance with the provisions of the 1961, 1971 and 1988 Conventions, the Board has an important role in preventing the illegal sale of controlled substances by monitoring the implementation of the provisions governing international trade. The Board has also collected information on the matter of illegal Internet pharmacies, has initiated a process to identify national focal points and has collected information on relevant legislative action and administrative regulations.

In its annual reports, the Board has repeatedly called on Governments to fully cooperate with other States in ongoing investigative efforts and to increase the awareness of law enforcement, regulatory and drug control authorities regarding the need to counteract the illegal sale of internationally controlled substances through the Internet. As most States do not have sufficient legislation, administrative regulations, structures or cooperative mechanisms to counteract those activities, the Board has produced guidelines on matters related to such illicit sales through the Internet for use by national competent authorities.

C. Purpose of the guidelines

The guidelines are intended to provide assistance in formulating national legislation and policies for prescribers, pharmacists, law enforcement authorities, regulatory authorities and the public with regard to the use of the Internet to dispense, purchase, export and import internationally controlled substances.

The guidelines include recommendations for action to be taken at the international and national levels and are divided into three parts: legislative and regulatory provisions; general measures; and national and international cooperation. The guidelines should help Governments to identify the control measures most appropriate for their country. Some of the recommendations, particularly those relating to the provisions of the three international drug control treaties, need to be implemented by all Governments. To ensure concerted international action, basic requirements on information exchange and cooperation should be met by all States.