

# Chapter IV.

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

837. The present chapter contains the main recommendations of INCB following the Board's review of the implementation of the international drug control conventions during the reporting period.

### Treatment, rehabilitation and social reintegration of drug use disorders: essential components of drug demand reduction

838. The health and welfare of humankind are the cornerstone of the international drug control framework. A substantive review of the basic concepts of, and factors associated with, drug use disorders, treatment interventions, approaches and modalities, has led INCB to come up with a series of specific recommendations in that area. INCB reminds all Governments that parties to the international drug control treaties are required to take all practical measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons affected. Furthermore, treatment of drug use disorders, rehabilitation and social reintegration are among the key operational objectives of the recommendations on drug demand reduction contained in the outcome document of the thirtieth special session of the General Assembly, entitled "Our joint commitment to effectively addressing and countering the world drug problem", adopted by the General Assembly in its resolution S-30/1 of 19 April 2016.

**Recommendation 1:** The Board urges all Governments to:

- (a) Gather data on prevalence of drug-use disorders and the accessibility and utilization of treatment;
- (b) Invest in making treatment and rehabilitation evidence-based;
- (c) Allocate sufficient resources to treatment and rehabilitation, the two major components of demand reduction;
- (d) Pay particular attention to special population groups;
- (e) Share, nationally and internationally, best practices and build capacity;
- (f) Stimulate research into new interventions.

For additional recommendations and more details of proposed action, please refer to the section M ("Recommendations") of chapter I.

### Promoting the consistent application of the international drug control treaties

839. Governments have to ensure that national legislation complies with the provisions of the international drug control treaties. Some Governments have introduced or are planning to introduce legislative measures in contravention of the requirements of the international drug control treaties. In particular, there is legislation which allows or would allow the production, trade in and use of cannabis for non-medical purposes.

**Recommendation 2:** All Governments are reminded that in the outcome document of the thirtieth special session of the General Assembly, Member States reaffirmed

their commitment to the goals and objectives of the three international drug control conventions.

*Recommendation 3:* Pursuant to those conventions, the use of narcotic drugs and psychotropic substances is limited to medical and scientific purposes. All other uses are incompatible with the international drug control legal framework, and the Board calls upon all States to respect their legal obligations in this regard.

840. The Board reiterates that in order for the operation of “drug consumption rooms” to be consistent with the international drug control conventions, certain conditions must be fulfilled. First among those conditions is that the ultimate objective of such facilities should be to reduce the adverse consequences of drug abuse without condoning or encouraging drug use and trafficking.

*Recommendation 4:* The Board calls upon all States having consented to the establishment of such facilities to ensure that they provide or refer patients to treatment, rehabilitation and social reintegration services, and notes that such services must not be a substitute for demand reduction programmes.

## Human rights

841. The Board has repeatedly stressed the importance of respecting and protecting human rights and fundamental freedoms as part of the effective implementation of the international drug control treaties. INCB continues to emphasize that for drug control action to be successful and sustainable, it must be consistent with international human rights standards.

*Recommendation 5:* INCB calls upon all States to adopt drug policies that respect the rule of law and human rights, including the presumption of innocence, the prohibition of arbitrary arrest and detention, the right to a fair trial and protection against all forms of cruel and inhuman punishment.

*Recommendation 6:* States need to protect children from drug abuse and prevent the use of children in the illicit production of and trafficking in illicit substances, in accordance with the Convention on the Rights of the Child, in particular article 33.

*Recommendation 7:* The Board reminds all States of the possibility of providing for education, treatment, rehabilitation and after-care measures in addition to, or as alternatives to, punishment of drug offences of a minor nature and offences committed by persons who use drugs.

*Recommendation 8:* The principle of proportionality must continue to be 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.

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

842. In the outcome document of the thirtieth special session of the General Assembly on the world drug problem, Member States reaffirmed their commitment to implementing the international drug control treaties and presented a practical plan of action for Member States to deal with the world drug problem.

*Recommendation 9:* The Board is ready to continue its cooperation with Governments, relevant international organizations and civil society with a view to improving the drug control situation worldwide in the context of the 2030 Agenda for Sustainable Development. INCB once again encourages all Governments to continue to make progress towards the implementation of the goals and targets set in the 2009 Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem and undertake their review by the target date of 2019.

## Availability

843. The outcome document of the thirtieth special session of the General Assembly contains important elements on improving access to controlled substances for medical and scientific purposes by appropriately addressing existing barriers.

*Recommendation 10:* INCB urges all Governments to fully implement the operational recommendations on improving access to controlled substances for medical and scientific purposes, while preventing their diversion and abuse, and the related recommendations contained in previous INCB annual reports. INCB further invites Governments to support and participate in concrete initiatives for the implementation of the operational recommendations and 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 international and national organizations.

## Cannabis

*Recommendation 11:* Governments that are considering the medical use of cannabinoids should examine the results of scientific studies and medical trials and ensure that the prescription of such substances for medical use is performed with competent medical knowledge and supervision and that prescription practice is based on available scientific evidence and the consideration of potential side effects.

*Recommendation 12:* Furthermore, Governments should ensure that cannabinoids are made available to patients in line with the relevant WHO guidelines and with the international drug control conventions. The Board reminds all countries having established relevant programmes of the control measures applicable under articles 23 and 28 of the 1961 Convention.

## Opioids

844. INCB stresses the need for the adequate availability of controlled drugs for medical and scientific purposes. Nevertheless, it remains of great importance for States parties to ensure rational prescribing and implement measures to prevent the diversion and of abuse of these drugs. Recent developments related to the opioids crisis, in particular in North America, demonstrate the need for such a balanced approach.

*Recommendation 13:* INCB encourages Governments to adopt the measures described in the section on the risk of long-term opioid use and the consumption of opioid analgesics and work together with public health officials, pharmacists, manufacturers and distributors of pharmaceutical products, physicians, consumer protection associations and law enforcement agencies to promote public education about the risks associated with prescription drugs containing narcotic drugs and psychotropic substances, their abuse and their potential to cause dependence.

*Recommendation 14:* INCB urges all Governments to work in a cooperative manner and adopt specific measures against the illicit manufacture of, and trafficking in opioids, including fentanyl, fentanyl analogues and their precursors.

## Psychotropic substances

845. The Board acknowledges the efforts made by Governments that have already put recently scheduled psychotropic substances under national control.

*Recommendation 15:* The Board urges all Governments that have not put scheduled psychotropic substances under national control to amend their lists of substances controlled at the national level accordingly to apply to those substances the control measures required under the 1971 Convention and the relevant resolutions of the Commission on Narcotic Drugs and the Economic and Social Council, and inform the Board accordingly.

*Recommendation 16:* The Board welcomes the increasing number of countries which submit data on consumption of psychotropic substances and calls upon more Governments to do so, pursuant to Commission on Narcotic Drugs resolution 54/6, as these data are essential for the evaluation of the availability of psychotropic substances for medical and scientific purposes.

## Precursors

846. The Commission on Narcotic Drugs, in its resolution 60/5 of March 2017, called for a set of voluntary measures and enhanced cooperation among Governments and with INCB to address the issue of non-scheduled precursors; in that resolution, the Commission also calls for action to address criminal activities conducted via the Internet relating to precursors. (An in-depth analysis of recent trends and developments observed can be found in the Board's report on the implementation of article 12 of the 1988 Convention).

*Recommendation 17:* INCB urges Governments to give priority to precursor control as an effective means of preventing the manufacture and abuse of dangerous drugs. Specifically, in addition to regulatory controls, INCB emphasizes the importance of maintaining flexible systems for monitoring the movement of precursor chemicals and exchanging information.

## Internet and new psychoactive substances

847. Illegal Internet pharmacies are a growing phenomenon that has the potential to cause serious public health problems. The continued growth of Internet access around the world, the widespread availability of online communication channels and the vastness of the "deep web" all contribute to making drug trafficking over the Internet, whether through illegal Internet pharmacies or by other means, a significant crime threat.

*Recommendation 18:* The Board calls on Governments to use its Guidelines for Governments on Preventing the

**Illegal Sale of Internationally Controlled Substances through the Internet, containing 25 individual guidelines that cover legislative and regulatory provisions, general measures and national and international cooperation.**

848. As national controls are expanded to cover more new psychoactive substances, there is an increased risk of otherwise legitimate business-to-business trading platforms being used for the sale and purchase of substances under national control. At the same time, hindering the development of legitimate economic activities through the Internet needs to be avoided.

*Recommendation 19:* The Board encourages Governments to consider appropriate measures, in accordance with national law, to monitor and act on attempts to trade in new psychoactive substances through online trading platforms, including, possibly, voluntary monitoring and information-sharing, and to consider involving the operators of trading platforms.

## Electronic tools and training

849. The effectiveness of the international drug control system relies on Member States' collective efforts to implement the conventions. A critical element in INCB support efforts is the real-time communication between Governments. Specifically, the online tools developed by INCB facilitate immediate cooperation and follow-up. Over the years, these tools have developed considerably in terms of the usage as well as the volume and the details of information provided by Governments. The maintenance and modernization of INCB electronic tools (IDS, I2ES, PEN Online, PICS and IONICS) are essential in this regard but do have financial implications.

*Recommendation 20:* INCB would like to urge Governments to fully utilize all INCB electronic tools and consider providing the financial support needed to ensure that the Board continues to operate efficiently and effectively while also simplifying the work of competent national authorities in the submission of treaty-mandated information.

*Recommendation 21:* The Board calls on Governments to provide further and regular contributions to sustain and expand activities under the INCB Learning initiative. Such commitment by Governments is required to ensure broad geographical coverage, the sustainability of the project and the provision of support and advice to all Governments.

(Signed)

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(Signed)

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## Specific countries and regions

850. The Board is very concerned about the deteriorating drug control situation in Afghanistan, as evidenced by the most recent UNODC opium poppy survey in that country, as well as by information about production, trafficking and abuse of cannabis and synthetic drugs in Afghanistan.

*Recommendation 22:* While INCB understands the challenges and difficulties confronting Afghanistan, after many years in which Afghanistan received considerable international assistance, INCB calls upon the Government to address the illicit cultivation of opium poppy and cannabis by implementing effective crop eradication and alternative livelihood programmes. At the same time, the Board reiterates its call to Afghanistan to counter with renewed strength the production of and trafficking in drugs, to devote due attention to the emerging problem of synthetic drugs and to rapidly and significantly scale up demand reduction services in the country.

851. In several regions of the world, health-care systems lack the required resources and capacity to deal with drug problems. At the same time, regions such as Africa experience growing abuse of cocaine, opioids, amphetamine-type stimulants, tramadol and new psychoactive substances. There is no detailed and reliable information on the abuse and treatment situation in Africa, West Asia, Central America and the Caribbean and Oceania.

*Recommendation 23:* The Board encourages all Governments to provide the necessary political support and appropriate resources to ensure the participation of all relevant actors in the planning, implementation and monitoring of drug control policies in the above-mentioned regions. Treatment facilities for sufferers of drug-related diseases should also be set up, in addition to comprehensive programmes for rehabilitation recovery and social reintegration.

*Recommendation 24:* Countries in those regions should produce or update prevalence studies using internationally recognized parameters and use the results to inform the development and adoption of targeted drug demand reduction policies and programmes. The Board also encourages the international community to provide assistance to help develop drug treatment and rehabilitation services in those regions.