

JOINT UNODC / INCB STATEMENT ON THE INTERNATIONAL DRUG CONTROL SYSTEM AND HUMAN HEALTH AND HUMAN RIGHTS

The recent report of the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/65/255) focuses on the international drug control system. This system is built on a body of international law. UNODC and INCB have prepared this joint statement in order to clarify how these issues are actually dealt with within the existing international drug control system.

The international drug control mechanisms were set up to protect human health by preventing drug abuse and drug dependence and ensuring access to drugs for medical and scientific purposes. These control measures, which have been developed over the last 100 years with the consensus of Member States, have protected millions of people from falling into addiction to drugs. The present drug control system has been successful at the international level in preventing diversion of drugs from licit channels to illicit uses.

Law enforcement and criminal sanctions play a key role in enforcing these drug prevention conventions and strategies, targeting principally the organized crime groups making profit out of the misery of millions. Such enforcement measures however should be part of a balanced approach to tackling both supply and demand issues.

At the same time, the international drug control system recognizes the need of individuals for adequate treatment. Under the Conventions, the manufacture, trafficking, sale and possession of narcotic drugs are illegal and punishable with criminal sanctions which according to INCB should be in proportion to the crime and must respect basic UN human rights principles (Principle also reinforced unanimously by Member States in the 2009 CND Political Declaration and 1998 UNGASS Political Declaration). In order to allow for the humane treatment of drug addiction, the conventions allow Member States to apply alternative measures to imprisonment and sanction for drug use, such as education, social care, treatment, reintegration and aftercare (Article 36 of the 1961 Narcotic Drugs convention and Article 3 of the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances).

In other words, this includes the possibility for Member States to consider alternatives to imprisonment for drug addiction but not towards the legalization of drug use – as controlled drugs still remain highly addictive and damaging for human health. The aim of the UN drug control mechanisms is to protect the global population, and youth in particular, from becoming addicted to narcotic drugs – i.e. the protection of basic human health and to protect society from the violent, health and socio-economic consequences of drug abuse and trafficking.

Treatment programmes, including treatment offered as an alternative to criminal justice sanctions, have to be in line with ethical standards and human rights in accordance with the 2009 CND political declaration.

INCB over the last few years has addressed, in its thematic report, a number of contemporary issues including the availability of controlled drugs for medical purposes, the importance of demand reduction, treatment, proportionality of response and the respect for human rights, etc.

The legalisation of drugs would have a negative impact on the health of the global population. UNODC and WHO are working with Member States, within the present international drug control framework, to implement a health-centred and human rights approach to drug use and drug dependence.

Concerning the licit use of controlled drugs for pain management and other medical purposes, INCB works continually with Member States to ensure that such drugs are available for medical and scientific purposes and are not diverted to fuel the health challenge of drug addiction. This monitoring is achieved through a regulatory system of estimates and assessments provided by Member States to INCB. Many countries do not have the capacity or resources to regulate licit drug use which, as INCB and WHO have repeatedly highlighted, still results in inadequate availability of drugs for medical purposes in some countries.