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**INCB 141st session
Consultation with Member States:
The human rights dimension of the drug control conventions**

8 November 2024

Opening remarks

Excellencies, ladies and gentlemen,

It is an honour to welcome you to the 141st session of the International Narcotics Control Board. Each year, at its November session, the Board devotes one meeting to an open dialogue with Member States on contemporary issues relating to drug control.

The Board decided that this year's consultation should focus on the human rights dimension of the drug control conventions in view of the false dichotomy surrounding human rights and drug control. While the Board has long recognized that respect for human rights is inherent to – and indeed a prerequisite for - compliance with the three international drug control conventions, there are voices that argue that the conventions are incompatible with human rights.

Today, through a series of statements by Members of the Board, we will explore how respect for human rights and implementation of the drug control conventions are mutually reinforcing and hear Member States' perspectives.

While the legal framework comprising the three international drug control conventions gives State Parties a large degree of discretion in the manner in which they implement their legal obligations under the conventions, it also establishes a series of parameters within which this discretion is to be exercised.

Broadly, these include the limitation of the use of narcotic drugs and psychotropic substances exclusively to medical and scientific purposes subject to the provisions of the conventions, the respect for human dignity and rights, the adequate provision of controlled substances to meet legitimate medical needs, and the principle of proportionality in the formulation of criminal justice policy for drug-related behaviours.

In carrying out its functions, INCB has unequivocally called for human rights to be respected in the development and implementation of drug control policy. Measures adopted with the purported aim of furthering drug control which are inconsistent with universally recognised human rights norms are a violation of the international drug control conventions.

The adoption and application of drug control measures occurs in a broader context in which States have concurrent legal obligations, including those stemming from human rights instruments. Specifically, these obligations range from the right to health, promotion of equality and non-discrimination towards people who use drugs, prohibition of arbitrary arrest and detention, the right to a fair trial for drug-related crimes, to protection against all forms of cruel and inhuman punishment.

This morning, my fellow Members of the Board will speak in depth about these elements, which have been addressed over the years in the Board's annual reports and in statements to the Commission on Narcotic Drugs and Economic and Social Council.

On the right to health, we focus on the need to ensure availability of internationally controlled substances for medical purposes and the need for accessible, evidence-based and stigma-free services for prevention, treatment, rehabilitation, social reintegration and recovery.

This extends to emergency situations, whether they be caused by natural disasters, conflict situations or other anthropogenic causes, where INCB is reminding affected States and exporting countries of the possibility of applying simplified control measures as foreseen in the conventions.

On the illicit side, drug trafficking and drug-related violence should be addressed through comprehensive and balanced measures, and responses to drug-related criminal conduct must be proportionate and respect human rights and the rule of law. The conventions provide States with the possibility of applying alternative measures to conviction, punishment and incarceration, including education, rehabilitation or social reintegration.

The need to better safeguard human rights protections and place people at the heart of drug control policies has played a role in the evolution of the terminology surrounding drug control, and INCB has called upon Governments to examine any drug control terminology that has potentially stigmatizing effects.

Over the years, the Board has devoted the thematic chapters of its annual reports to the need to ensure that the rights of specific population groups – such as children, women and older people – are respected. This includes ensuring access to controlled medicines and evidence-based and stigma free prevention, treatment, rehabilitation and social reintegration services but also protection against exploitation by drug traffickers and appropriate safeguards in criminal justice systems.

As the independent treaty body established by the three drug control conventions, INCB reviews developments in Member States with the aim of supporting States to implement the conventions by assisting in identifying implementation gaps and proposing remedial action. The Board remains in close dialogue with Member States to do so, including through country missions. Unfortunately, the Board has had to postpone its country missions due to the United Nations Secretariat regular budget liquidity crisis. In the interim, however, the Board is committed to continuing its close cooperation through all means possible.

I look forward to a constructive exchange of views this morning.

Thank you.