



# Economic and Social Council

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## Commission on Narcotic Drugs

Sixtieth session

Vienna, 13-17 March 2017

### Statement submitted by DRCNet Foundation\*

The Secretary-General has received the following paper, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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We the undersigned believe the UNGASS Outcome Document stopped short of crucial and widely supported reforms, while avoiding new realities.<sup>1</sup> We call on the 60th CND to:

**Acknowledge the Ramifications of New Drug Policies**

- Clarify that “commitment to... the three international drug control conventions”<sup>2</sup> does not mean these treaties, written between 28 and 56 years ago, should remain unchanged.<sup>3</sup>
- Convene an “Expert Advisory Group” to study tensions in the drug control regime.<sup>4</sup>

**Stand Up for Human Rights**

- Assert that nations’ drug policies should be constrained by human rights norms; with special attention on racial disparities, indigenous rights, and impact on women and youth<sup>5 6 7 8</sup>
- Call for abolishing the death penalty for drug offenses.<sup>9</sup>

**Call for a People-Centered Approach to Drug Policy**

- Explicitly endorse harm reduction and shifting resources to fund it.<sup>10</sup>
- Assert the Sustainable Development Goals should both inform and constrain drug policy.<sup>11</sup>
- Direct WHO to complete a Critical Review of cannabis, including rescheduling options.<sup>12</sup>

**Take a Stronger Stance on Criminal Justice Reform**

- Encourage bold steps away from criminalization.<sup>13</sup>
- Advocate a diverse range of alternatives to incarceration, including Law Enforcement Assisted Diversion, as well as sentencing reform and other compassionate reforms.<sup>14</sup>
- Advocate that regulatory approaches be considered for new psychoactive substances.<sup>15</sup>

**Foster Open Dialogue**

- Structure future UN meetings to enable truly open debate.
- Support the participation of civil society as well as disadvantaged, marginalized and other groups affected by drug policies, in developing, implementing and evaluating new policies.

**US and Global NGOs**

A New PATH (Parents for Addiction Treatment & Healing)  
AIDS Alabama  
Blacks in Law Enforcement of America  
CAN-DO Foundation  
Cannabis Consumers Campaign  
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School  
Chicago Recovery Alliance  
DC Cannabis Campaign aka DCMJ  
Doctors for Cannabis Regulation  
Drug Policy Alliance  
Drug Policy Forum of Hawaii  
Drug Policy Forum of Texas  
Empire State NORML (NY)  
Harm Reduction Coalition  
Harm Reduction Michigan  
Help Not Handcuffs (NJ)

Hep Free Hawaii  
 Housing Works  
 Human Rights and the Drug War  
 Humboldt Institute for Harm Reduction (CA)  
 International Centre for Science in Drug Policy  
 Latino Commission on AIDS  
 LatinoJustice PRLDEF  
 Law Enforcement Action Partnership  
 Marijuana Policy Project  
 Michigan NORML  
 Moms United to End the War on Drugs  
 Multidisciplinary Association for Psychedelic Studies  
 National Alliance for Medication Assisted Recovery  
 National Lawyers Guild, Drug Policy Committee  
 Project Inform  
 Protect Families First (RI)  
 Reentry Central of CT  
 Sensible Colorado  
 StoptheDrugWar.org  
 The Center for Harm Reduction Therapy (CA)  
 The Center for the Study of Cannabis and Social Policy  
 The CHOW Project (HI)  
 Trinity United Church of Christ, Chicago  
 University of Texas at Austin Students for Sensible Drug Policy

#### **NGOs in Other Countries**

AIDS Foundation East-West International (AFEW)  
 Alliance of Women Advocating for Change (AWAC) (Uganda)  
 Beckley Foundation (United Kingdom)  
 Citywide Drugs Crisis Campaign (Ireland)  
 Deutscher Hanfverband (DHV) - German Cannabis Association  
 Diogenis Association, Drug Policy Dialogue South East Europe  
 Društvo za Regulacija Konoplje (Slovenia)  
 Fields of Green for ALL NPC (South Africa)  
 Foundation for Democratic Initiatives and Development (FDID) (Sierra Leone)  
 Ganja Growers and Producers Association of Jamaica (GGPAJ)  
 ICEERS Foundation (Spain, Uruguay)  
 Institute for Inner Balance (Slovenia)  
 Netherlands Drug Policy Foundation  
 Nonviolent Radical Party transparty and transnational  
 NVO 4 Life (Montenegro)  
 Plantaforma para la Defensa de la Ayahuasca (Spain)  
 ReverdeSer Colectivo A.C. (Mexico)  
 Students for Sensible Drug Policy-UWI, Mona Chapter (Jamaica)  
 UNIDOS — Rede Nacional Sobre Drogas & HIV (Mozambique)  
 West Africa Drug Policy Network-Ghana Limited

#### **Businesses**

Center for Optimal Living (NY)  
 Denver Relief Consulting  
 Dr. Bronner's Magic Soaps  
 Greenbridge Corporate Counsel (CA, WA)  
 Vicente Sederberg LLC

(Updated list: <http://stopthedrugwar.org/global>.)

<sup>1</sup> United Nations Office on Drugs and Crime, *Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem*,

- <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf> [hereinafter Outcome Document]; for one example of a critique of the UNGASS, see: *The United Nations Special Session (UNGASS) on the World Drug Problem Report of Proceedings* (International Drug Policy Consortium, September 2016), [https://dl.dropboxusercontent.com/u/566349360/library/UNGASS-proceedings-document\\_ENGLISH.pdf](https://dl.dropboxusercontent.com/u/566349360/library/UNGASS-proceedings-document_ENGLISH.pdf).
- <sup>2</sup> Outcome Document, at 1.
- <sup>3</sup> The three UN drug conventions were adopted in 1961, 1971, and 1988: *Treaties*, UN Office on Drugs & Crime, <https://www.unodc.org/unodc/en/treaties/#Drugrelated>.
- <sup>4</sup> For discussion of this proposal, see: Martin Jelsma, *UNGASS 2016: Background Memo on the Proposal to Establish an Expert Advisory Group* (Transnational Inst. 2015), <https://www.tni.org/en/publication/ungass-2016-background-memo-on-the-proposal-to-establish-an-expert-advisory-group>.
- <sup>5</sup> United Nations High Commissioner for Human Rights, *Study on the Impact of the World Drug Problem on the Enjoyment of Human Rights 2* (Human Rights Council 2015) (“The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has argued that when the international drug control regime and international human rights law conflict, human rights obligations should prevail.”), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A\\_HRC\\_30\\_65\\_E.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_65_E.docx) [hereinafter UNHCHR]; Article I of the UN Charter includes “promoting and encouraging respect for human rights and for fundamental freedoms for all” among the fundamental purposes of the UN system: United Nations, *Charter of the United Nations and Statute of the International Court of Justice 3* (1945), <http://treaties.un.org/doc/publication/ctc/uncharter.pdf>; and Article 103 specifies that “[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”: *Id.* at 19.
- <sup>6</sup> International Convention on the Elimination of All Forms of Racial Discrimination (United Nations 1965), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.
- <sup>7</sup> UN Declaration on the Rights of Indigenous Peoples 6 (United Nations 2008), [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf).
- <sup>8</sup> Convention on the Rights of the Child (United Nations 1989), <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. For a discussion of the impact of current drug policies on the internationally-agreed rights of young people, see: Damon Barrett, *The Impacts of Drug Policies on Children and Young People* (Open Soc’y Foundations 2015), <https://www.opensocietyfoundations.org/sites/default/files/impact-drug-policies-children-and-young-people-20151029.pdf>.
- <sup>9</sup> For background on international reactions to the death penalty for drug offenses, see: *European Aid for Executions: How European Counternarcotics Aid Enables Death Sentences and Executions in Iran and Pakistan 3* (Reprieve UK 2014) (“The governments of Denmark, Ireland, and the United Kingdom have all accepted the link between counter-narcotics aid and capital punishment in Iran, and have withdrawn funding for supply control operations in that state.”), <http://www.reprieve.org.uk/wp-content/uploads/2014/12/European-Aid-for-Executions-A-Report-by-Reprieve.pdf>; UNODC and the Promotion and Protection of Human Rights 10 (UN Office on Drugs & Crime 2012) (“If, following requests for guarantees and high-level political intervention, executions for drug-related offences continue, UNODC may have no choice but to employ a temporary freeze or withdrawal of support.”), [https://www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Human\\_rights\\_position\\_paper\\_2012.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Human_rights_position_paper_2012.pdf).
- <sup>10</sup> For a general discussion of harm reduction, see: Open Society Foundations, *What Is Harm Reduction?* (2013), <http://www.opensocietyfoundations.org/explainers/what-harm-reduction>. For background on harm reduction’s history at the UN, see: David Bewley-Taylor, *The Contemporary International Drug Control System: A History of the UNGASS Decade*, 52 LSE Ideas Special Rep. Governing the Global Drug Wars 49 (2012), <http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR014/SR-014-FULL-Lo-Res.pdf>.
- <sup>11</sup> A paper written by the United Nations Development Programme for UNGASS discusses “[d]rug policy and the post-2015 agenda,” noting that “there are contradictions between the targets established in the global development agenda being debated for the post-2015 period and current drug policies emanating from the three drug conventions”: *Addressing the Development Dimensions of Drug Policy* 36-37 (2015), <http://www.undp.org/content/dam/undp/library/HIV-AIDS/Discussion-Paper--Addressing-the-Development-Dimensions-of-Drug-Policy.pdf> [hereinafter UNDP]; The UN’s Sustainable Development Goals adopted last year are discussed at: *Transforming Our World: The 2030 Agenda for Sustainable Development* (United Nations Dep’t of Econ. & Soc. Affairs 2015), <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

- <sup>12</sup> For background, see: Curran, Wiffen, Nutt, Scholten, *Cannabis and Cannabis Resin Pre-Review Report*, (DrugScience 2016), <http://www.drugscience.org.uk/assets/WHOCannabisreport.pdf>.
- <sup>13</sup> A large number of UN and other agencies endorsed a document a technical guide that calls for moving away from drug criminalization as and HIV/AIDS prevention measure: *HIV and Young People Who Inject Drugs* 19 (2015), [http://www.unaids.org/sites/default/files/media\\_asset/2015\\_young\\_people\\_drugs\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2015_young_people_drugs_en.pdf); UNDP, *supra* note 16, 31 (“Discrimination, a lack of investment in health and social welfare and laws criminalizing drug use/possession of small amounts of drugs for personal use impede the access of people who use drugs to basic services such as housing, education, health care, employment, social protection and treatment”); UNHCHR, *supra* note 7, at 45. A Gender Perspective on the Impact of Drug Use, the Drug Trade, and Drug Control Regimes 1 (UN Women 2014), [https://www.unodc.org/documents/ungass2016/Contributions/UN/Gender\\_and\\_Drugs\\_-\\_UN\\_Women\\_Policy\\_Brief.pdf](https://www.unodc.org/documents/ungass2016/Contributions/UN/Gender_and_Drugs_-_UN_Women_Policy_Brief.pdf); The Drug Problem in the Americas 103 (Org. of Am. States Gen. Secretariat 2013), [http://www.oas.org/documents/eng/press/Introduction\\_and\\_Analytical\\_Report.pdf](http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf); *Statement to the Commission on Narcotic Drugs, 55th Session* (Int’l Fed’n of Red Cross & Red Crescent Societies 2012), <http://www.ifrc.org/en/news-and-media/opinions-and-positions/speeches/2012/to-the-commission-on-narcotic-drugs-55th-session/>; *Regional Vision of the South American Council on the World Drug Problem for UNGASS 2016* at 4 (Union of S. Am. Nations 2015) (“Drug use should not be criminalized because this limits the probability that drug users will seek treatment, as well as limiting access to work, education, and other rights.”), [https://www.unodc.org/documents/ungass2016/Contributions/IGO/UNASUR/UNASUR\\_common\\_position\\_on\\_UNGASS\\_english.pdf](https://www.unodc.org/documents/ungass2016/Contributions/IGO/UNASUR/UNASUR_common_position_on_UNGASS_english.pdf).
- <sup>14</sup> For background on the LEAD program, see: Roy L. Austin, *LEAD-ing the Way to a More Efficient Criminal Justice System* (The White House 2015), <https://www.whitehouse.gov/blog/2015/07/02/lead-ing-way-more-efficient-criminal-justice-system>.
- <sup>15</sup> For information on a relevant New Zealand law enacted in 2013, see: *New Zealand’s Groundbreaking Regulatory Model for New Synthetic Drugs* (Drug Policy Alliance 2014), [http://www.drugpolicy.org/sites/default/files/DPA\\_Fact\\_Sheet\\_New\\_Zealand\\_Approach\\_to\\_New\\_Synthetic\\_Drugs\\_Feb2014.pdf](http://www.drugpolicy.org/sites/default/files/DPA_Fact_Sheet_New_Zealand_Approach_to_New_Synthetic_Drugs_Feb2014.pdf). (However, the law has met with political and bureaucratic resistance and has yet to be implemented.)