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**Commission on Narcotic Drugs****Sixty-sixth session**

Vienna, 13–17 March 2023

Item 6 of the provisional agenda\*

**Follow-up to the implementation at the national, regional and international levels of all commitments, as reflected in the Ministerial Declaration of 2019, to address and counter the world drug problem****Chair's summary on the thematic discussions on the implementation of all international drug policy commitments, following-up to the 2019 Ministerial Declaration (21–22 September 2022)\*\***

1. This document contains a Chair's summary of the thematic discussions held during the first intersessional meeting of the Commission on Narcotic Drugs at its sixty-fifth session from 21–22 September 2022. The thematic discussions were chaired by H.E. Ambassador Ghislain D'Hoop (Belgium), Chair of the Commission on Narcotic Drugs at its sixty-fifth session. The summary by the Chair is not subject to negotiation.

**I. Background**

2. At its 62nd session in March 2019, the Commission adopted by consensus the Ministerial Declaration entitled "Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of our Joint Commitments to Address and Counter the World Drug Problem." In the 2019 Ministerial Declaration, Member States, while acknowledging that tangible progress had been achieved over the past decade, noted with concern the persistent and emerging challenges posed by the world drug problem and committed to accelerating, based on the principle of common and shared responsibility, the full implementation of the 2009 Political Declaration and Plan of Action, the 2014 Joint Ministerial Statement and the 2016 UNGASS outcome document, aimed at achieving all commitments, operational recommendations and aspirational goals set out therein. In the stocktaking part of the declaration, Member States identified several challenges to the effective implementation of international commitments.

3. Member States committed in paragraph 7 of the "Way forward" to support the CND in continuing transparent and inclusive discussions involving all relevant

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\*\* This document has not been edited.



stakeholders on effective strategies to address and counter the world drug problem, including through the sharing of information, best practices and lessons learned. A core part of the Commission-led follow-up process are the annual thematic discussions that are focused on the exchange of good practices, challenges and lessons learned in the implementation of all international drug policy commitments. Based on the challenges identified in the 2019 Ministerial Declaration, the Commission, adopted in June 2019 a multi-year workplan to discuss how these challenges can be addressed through effectively implementing the provisions contained in the 2016, 2014 and 2009 documents.

4. The fourth round of CND Thematic Discussions, in line with the 2019 workplan,<sup>1</sup> was held from 21–22 September 2022 at the United Nations in Vienna. The Commission focused its discussions on how to address the challenge that responses not in conformity with the three international drug control conventions and not in conformity with applicable international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility.

5. The 2022 CND Thematic Discussions were held in a hybrid format, with in-person and online participation, and livestreamed to ensure that all interested stakeholders could follow the deliberations. With around 700 registrations, the meeting brought together experts and policymakers from over 100 Member States, United Nations entities, intergovernmental organizations, international partners, and civil society experts from around the world.

6. Both thematic sessions started with an introductory presentation and keynote introduction by experts from the United Nations Office on Drugs and Crime (UNODC), followed by a panel discussion and an interactive debate. The panels included experts from Member States nominated through the Regional Groups, United Nations entities, intergovernmental organizations, international partners, and civil society. Following past practice, civil society panellists and speakers were nominated through the Vienna NGO Committee on Narcotic Drugs (VNGOC) in cooperation with the UNODC Civil Society Unit.

7. Expert panellists participated from Brazil, China, Czechia, Kenya, Mexico, the Philippines, Portugal, Singapore and the United States of America. In addition to the introductory presentations and remarks by UNODC, representatives nominated by the World Health Organization (WHO); the International Narcotics Control Board (INCB); the Office of the United Nations High Commissioner for Human Rights (OHCHR); the Joint United Nations Programme on HIV/AIDS (UNAIDS); the United Nations Development Programme (UNDP); the African Union Commission; the Council of Europe Pompidou Group; the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA); the Inter-American Drug Abuse Control Commission of the Organization of American States (OAS-CICAD); the Mae Fah Luang Foundation under Royal Patronage, Thailand; and the Organization for Security and Co-operation (OSCE) made presentations in their respective fields of expertise. Observers from non-governmental organizations, including organizations based in Australia, Colombia, France, Ghana, India, Macao (Special Administrative Region of China); Türkiye and the United Kingdom of Great Britain and Northern Ireland also made statements.

8. In preparation for the 2022 CND Thematic Discussions, a background note,<sup>2</sup> based on the provisions of the international drug control conventions; CND policy documents; and reports and documentation of UNODC, WHO, INCB, as well as other United Nations entities, intergovernmental organizations, and international partners, was prepared by the Secretariat, shared with Permanent Missions, and made available online. Presentations and statements made during the thematic sessions, for which consent was given for publication, are also available on the Commission's website

<sup>1</sup> [www.unodc.org/hlr/en/Follow-upProcess.html](http://www.unodc.org/hlr/en/Follow-upProcess.html).

<sup>2</sup> [www.unodc.org/documents/commissions/CND/CND\\_Sessions/CND\\_65/background\\_note\\_TD\\_2022.pdf](http://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_65/background_note_TD_2022.pdf).

([www.unodc.org/unodc/en/commissions/CND/session/65\\_Session\\_2022/TD\\_statements.html](http://www.unodc.org/unodc/en/commissions/CND/session/65_Session_2022/TD_statements.html)).

## II. Chair's summary of the deliberations

### (a) Opening session

9. The opening segment of the intersessional meeting featured in-person remarks by the UNODC Executive Director and INCB President, as well as online remarks by the Human Rights Council President. Recalling the objective of the international drug control conventions to protect the health and welfare of humankind, they welcomed the holding of the CND Thematic Discussions, and stressed the importance of positioning human rights at the heart of drug policy, given the complementary and mutually reinforcing nature of the drug control and human rights obligations.

### (b) Thematic Session 1 on the 2019 Ministerial Declaration Challenge: “Responses not in conformity with the three international drug control conventions and not in conformity with applicable international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility”

10. Over the course of both days, the Commission discussed the challenge that responses not in conformity with the three international drug control conventions and not in conformity with applicable international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility.

11. On 21 September 2022, following the opening segment, the thematic session was kicked off by introductory presentations by the Chief of the Research and Trend Analysis Branch and the Chief of the Drugs, Laboratory and Scientific Services Branch of UNODC. The panel included experts from Brazil, China, Czechia, Kenya, Mexico, Singapore, the United States, UNODC, WHO, INCB, OHCHR, the Council of Europe Pompidou Group, and OAS-CICAD, as well as an expert nominated by VNGOC, representing civil society.

12. The Chief of the UNODC Research and Trend Analysis Branch focused on **five elements of the drug control conventions in protecting the health and welfare of humankind**, namely criminalization; prevention, treatment and care; alternatives to imprisonment; international cooperation; and data collection. She highlighted that there was a **continuum of responses between conformity and non-conformity**, and that more data were required. It was noted that the available evidence showed that **globally, drug use and drug-related deaths were increasing, while availability of and access to controlled medicines remained largely imbalanced**.

13. The Chief of the UNODC Drugs, Laboratory and Scientific Services Branch explained that **the conventions seek to strike a balance between ensuring adequate availability of and access to controlled substances for medical and scientific purposes, while preventing their diversion and abuse**. He added that, as evidenced by the scheduling mechanism, the drafters of the conventions envisaged a **rule-based, but flexible system of control, which allowed for measures to be reviewed as knowledge and science evolved**. In the same vein, **the conventions could be implemented in full accordance with human rights obligations**.

14. The thematic session underscored the **importance of respect for human rights in drug policy**, in accordance with the Charter of the United Nations and the drug control conventions. Several speakers recalled the objective of the drug control conventions to protect the health and welfare of humankind, stressing that compliance with human rights obligations was integral to drug policy, and not optional. Several speakers underscored that the **right to health was a fundamental human right**, and that the enjoyment of the right to health of all people, including those who use drugs

and those with drug use disorders, was applicable irrespective of the fact of their drug use.

15. Several speakers acknowledged that the **drug control conventions gave Member States flexibility** in the determination of responses to actions that are not in line with the provisions of the conventions, in accordance with their national specificities. During the thematic session, examples were shared of how Member States have been exercising this flexibility through the adoption of different approaches, including the decriminalization of certain drug-related offences, in line with the overarching principal of the drug control conventions to protect the health and welfare of humankind.

16. The thematic session discussed various facets of adopting a **public health approach to drug policy**. Several speakers shared good practices relating to **alternatives to conviction or punishment** – moving from criminalizing and penalizing personal drug use to a more **person- and health-centred approach focusing on treatment and rehabilitation of individuals**. It was noted that this approach could, among others, reduce stigmatization and discrimination, in turn leading to increased health-seeking behaviour and fewer drug use-related deaths, as well as reduce prison overcrowding. Several speakers also highlighted the value of **evidence-based prevention and demand reduction interventions**, including early education and family skills programmes, in **protecting the community, particularly the most vulnerable, including children and young people, from the potentially dangerous effects of controlled substances**. In this regard, some speakers delved further into the need to **address root causes**, including, among others, poverty and lack of education.

17. Several speakers stressed the importance of recognizing drug use diseases as multifactorial and biopsychosocial health disorders and **mainstreaming the treatment of drug use diseases**. Some speakers advocated for **increased access to voluntary drug treatment**, especially for women, children and persons detained in prison, to close the gap in the treatment of drug use diseases. A number of speakers highlighted that **people who use drugs, especially people who inject drugs, were at risk of HIV and other blood-borne diseases**, and that it was critical to improve their access to drug treatment services, to address and counter the spread of HIV and blood-borne diseases, as well as drug use-related deaths. In this regard, stigma, discrimination, and punitive laws were recognized as key barriers to access to treatment. Some speakers cited, in this regard, that decriminalization of personal drug use could encourage people who use drugs to seek treatment, in turn reducing their risk of acquiring HIV and other blood-borne diseases.

18. Several speakers recalled the **principal of common and shared responsibility** and stressed that **international cooperation lay at the heart of the drug control conventions**. Many speakers called for **enhanced coordination and cooperation at all levels to address and counter all aspects of the world drug problem**, underscoring that **Member States had a responsibility to work together including with United Nations entities, civil society and other relevant partners**, to effectively achieve the aims of the drug control conventions. Various areas for enhanced cooperation were mentioned, including the sharing of information, good practices and lessons learned; the enforcement and investigation of drug-related offences, in particular drug trafficking; mutual legal assistance; extradition; seizures; and transfer of proceedings.

19. The subject of **improving availability of and access to controlled substances for medical and scientific purposes, while preventing their diversion** recurred throughout the thematic session. Many speakers acknowledged the importance of controlled medicines for a variety of purposes, including pain management, palliative care and the treatment of drug use diseases. Several speakers highlighted the **significant global disparity in access to medicines containing controlled substances**, and the **disproportionate impact of shortages on low- and middle-income countries**. A range of good practices in improving availability and

access was shared, including streamlining the supply chain; easing regulatory restrictions; educating medical professionals on the rational use of controlled medicines; and raising public awareness. Several speakers also highlighted the importance of **balanced evidence-based national drug policies**, which ensured that patients could access controlled medicines, as well as prevention, treatment and care services, while preventing the diversion of controlled substances into illicit channels. In this regard, it was recalled that the WHO Expert Committee on Drug Dependence made scheduling recommendations based on the assessment of the harm and therapeutic use of a substance in the global context.

20. Divergent views were expressed, including regarding the **legalization of the non-medical use of controlled substances, including cannabis and cannabis-related substances**. Some speakers shared national experiences stemming from the decriminalization and/or legalization of non-medical cannabis use. Other speakers referred, with regard to legalization, to lacking compliance with the provisions of the drug control conventions, and expressed concern, including in relation to the perception, particularly among young people, of the risks related to the non-medical use of controlled substances. Findings of the 2022 World Drug Report on cannabis legalization were cited, and the need for further research was underlined.

(c) **Thematic Session 2 on the 2019 Ministerial Declaration Challenge: “Responses not in conformity with the three international drug control conventions and not in conformity with applicable international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility”**

21. On 22 September 2022, the thematic session was kicked off by introductory presentations by the Chief of the Research and Trend Analysis Branch and the Chief of the Crime Prevention and Criminal Justice Section of UNODC. The panel included experts from Kenya; Mexico; the Philippines; Portugal; UNODC; WHO; INCB; OHCHR; UNAIDS; UNDP; the African Union; EMCDDA; the Mae Fah Luang Foundation under Royal Patronage, Thailand; and OSCE; as well as an expert nominated by VNGOC, representing civil society.

22. The Chief of the UNODC Research and Trend Analysis Branch focused on **three indicators of human rights** – equality and non-discrimination; the right to liberty and security; and participation. Regarding equality and non-discrimination, reference was made to the vicious cycle associated with drug use diseases, stigma, and access to prevention, treatment, care and rehabilitation services, as well as the resulting socioeconomic disadvantages experienced by those affected by drug use diseases. Two trends were highlighted – first, that higher socioeconomic groups were more likely to initiate drug use, but lower socioeconomic groups were more likely to progress from drug use to drug use diseases; and second, that women faced greater stigma for drug use and had less access to treatment than men. Regarding the right to liberty and security, various areas were highlighted, including components of the criminal justice system, such as sentencing practices and prison conditions; security from drug-related violence; and availability of and access to controlled medicines, as well as prevention, treatment and care services. Regarding participation, the importance of considering the human rights of all stakeholders, including people who use drugs, drug offenders and those who live around them, was stressed.

23. The Chief of the UNODC Crime Prevention and Criminal Justice Section focused on **proportionate sentencing for drug-related offences**, as an example of an issue which cuts across drug control and human rights. She explained that the goal of proportionate sentencing was to reach an **individualized sentence**, which takes an offender’s specific needs into account; and that to achieve a proportionate sentence, both the sentencing process and outcome had to be proportionate. In terms of **process**, proportionality entailed considering the **seriousness of the offence**, including the offender’s role in the illicit activity and, for drug-related offences, the quantity of drugs involved; as well as the **offender’s personal circumstances**, including health needs, family and socioeconomic situation, and risk and protective factors. In terms

of **outcome**, proportionality entailed moving from imprisonment as the default to considering non-custodial options. In this regard, the UNODC Toolkit on Gender-Responsive Non-Custodial Measures was recalled.

24. Several speakers also addressed the issue of **proportionality of criminal justice responses**. Regarding the enforcement of drug-related offences, some speakers underscored the importance of moving away from the punitive policing of drug use and enabling law enforcement officers to respond appropriately and proportionately to drug use and mental health issues. Several speakers touched on the importance of equal access to justice, a fair trial, and proportionate individualized sentencing. In relation to persons with drug use diseases, several speakers highlighted the value of reducing coercive sanctions, including imprisonment, and diverting them to prevention, treatment and care services.

25. Divergent views were expressed regarding the use of the **death penalty**. A number of speakers opposed the use of the death penalty under all circumstances, including for drug-related offences, calling for the immediate abolition and commutation of death sentences. One speaker recalled that there was no international consensus relating to the use of the death penalty.

26. Several speakers stressed the importance of **strong partnerships and an integrated approach between the justice, health and social sectors** at the national and international levels. Many speakers called for **increased training and capacity-building** for policymakers and practitioners involved in drug policy, as well as **participatory approaches and increased community engagement** in policymaking and implementation. In this regard, some speakers highlighted the importance of adopting a **gender- and age-focused approach**, as well as **considering the specific needs and challenges of indigenous communities and marginalized groups**, to avoid drug policies that are discriminatory in design and/or enforcement.

27. The meeting also discussed the subject of **alternative development**, and the importance of supporting persons involved in the illicit cultivation of drugs and drug crops to **transition to sustainable alternative livelihoods**. In addition to supply reduction, it was highlighted that such efforts would protect persons from exploitation by organized criminal groups engaged in drug trafficking, in turn leading to reduced drug-related violence and deaths.

28. Responding to the discussions over the course of both days, several speakers concluded that there was **no “one-size fits-all” approach** to integrating human rights considerations into drug policy, and that a contextual approach was necessary in determining the appropriate national response to drug-related challenges.

29. Different views were expressed regarding the inclusion of a chapter on human rights and drug policy in one of the upcoming editions of the World Drug Report. A number of speakers expressed support for the inclusion, while other speakers expressed concern and called for further discussions on the matter. One speaker proposed to focus rather on evaluating the progress made in the implementation of all international drug policy commitments, in light of the 2024 midterm review. The Chief of the Research and Trend Analysis Branch clarified UNODC’s internal elaboration and clearance process for the publication, underlining the requirement for extra resources for additional thematic chapters.

### III. Way forward

30. As part of the CND’s efforts to enhance the implementation of all international drug policy commitments, following up to the 2019 Ministerial Declaration, the next thematic session is scheduled to be held during the Commission’s 66th session in 2023. In line with the multi-year workplan, the Commission will undertake a comprehensive stocktaking, in the lead up to the 2024 midterm review, of the progress made in implementing all international drug policy commitments as reaffirmed in the Ministerial Declaration.

31. Member States, and interested stakeholders are encouraged to initiate timely preparations for the 2023 thematic sessions to facilitate the participation of relevant experts, with a view to sharing good practices and to discussing how to address the highlighted challenges through the implementation of the international drug policy commitments of the 2016 UNGASS outcome document, the 2014 Joint Ministerial Statement and the 2009 Political Declaration and Plan of Action.

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