

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME



UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the question of torture

Mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Téléfax: (41-22)-917 90 06
Télégrammes: UNATIONS, GENEVE
Télex: 41 29 62
Téléphone: (41-22)- 917 97 04
Internet : www.ohchr.org/english/bodies/chr/special/index.htm
E-mail: sr-torture@ohchr.org



Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: G/SO 214 (53-21)

10 December 2008

Dear Sir,

We write in our capacities as United Nations Special Rapporteur on the prevention of torture and cruel, inhuman, or degrading treatment or punishment, and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 8/8 and 6/29.

We wish to refer to the draft outcome documents to be adopted at the 52nd session of the Commission on Narcotic Drugs in March 2009, notably the political declaration and its annex. We thought it would be appropriate to offer some guidance regarding the human rights issues it raises in view of the applicable international law so as to ensure its consistency with international commitments and obligations relating to human rights. In this context, we wish to recall that the General Assembly each year adopts a resolution entitled "International cooperation against the world drug problem," stating that drug control activities must be carried out in conformity with the purposes and principles of the Charter of the United Nations. The 2007 resolution, for example, stated that drug control efforts "must be carried out in full conformity with the purposes and principles of the Charter of the United Nations and other provisions of international law, and in particular with full respect for...all human rights and fundamental freedoms."¹

In particular we would like to make recommendations with respect to four areas that are directly related to our human rights mandates, and that are critical to the drug strategy for the next ten years:

1. Harm reduction
2. Ensuring protection against torture in law enforcement measures - extradition and the principles of non-refoulement
3. Ensuring access to essential medicines for pain relief
4. Access to treatment consistent with human rights

../..

Mr. David Best
Counsellor, Permanent Mission of Switzerland
to the United Nations Office at Vienna
Vice-Chairperson of the Commission on
Narcotic Drugs at its 52nd Session
david.best@eda.admin.ch