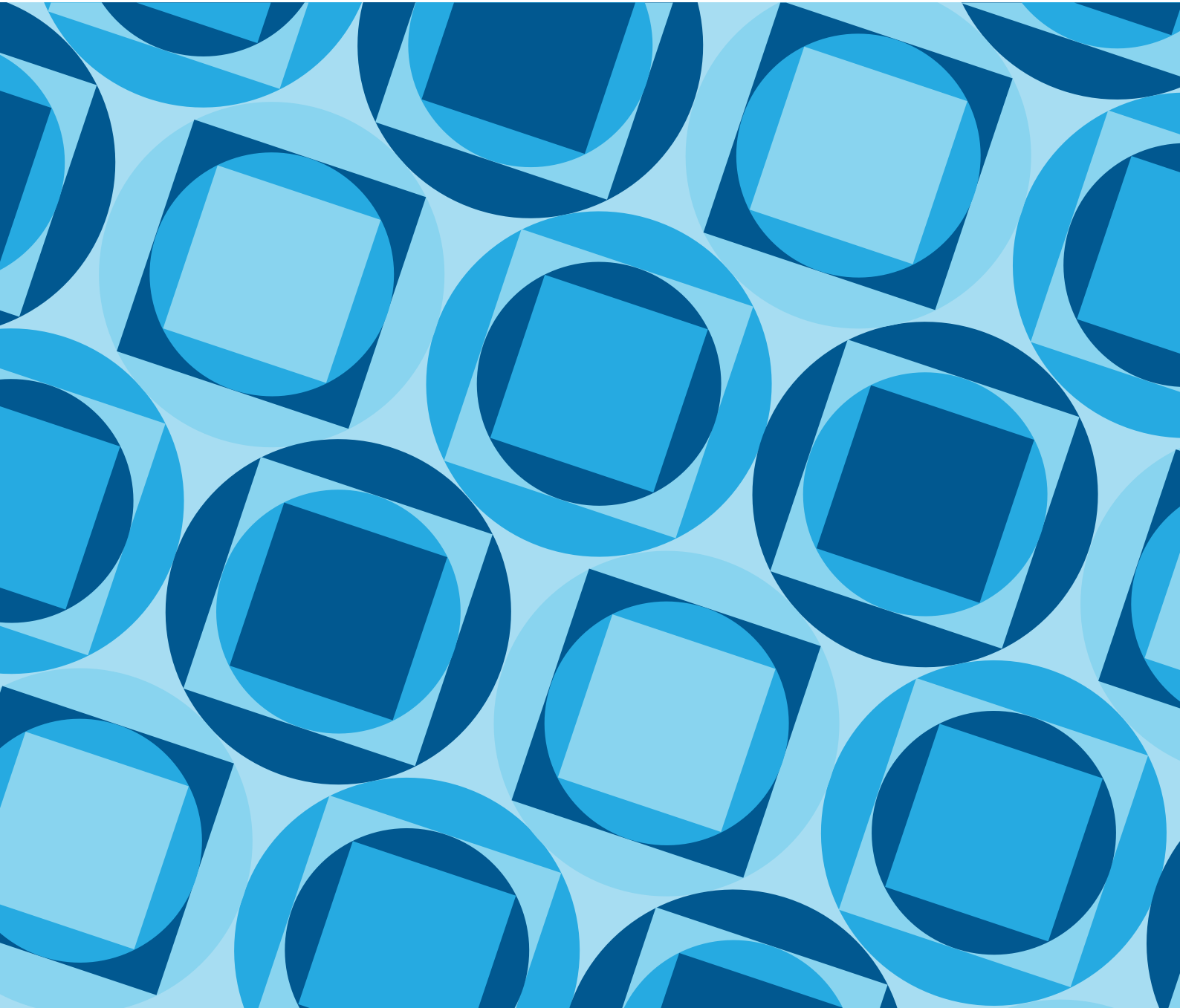


OFF TRACK:

SHADOW REPORT FOR THE MID-TERM REVIEW OF THE 2019 MINISTERIAL DECLARATION ON DRUGS

DECEMBER 2023



Executive summary

The implementation of the 2019 Ministerial Declaration is off track

The 2019 Ministerial Declaration on drugs laid down the main objectives of the international community in addressing the world drug situation for a 10-year period. Drawing on a broad range of data and evidence, as well as on the experience of civil society and communities, this report shows that by 2023 there has been little, incomplete or no progress in achieving these goals.

There is scant evidence that policies aimed at the prohibition and eradication of drugs have been effective in reducing illegal drug markets, or in tackling their connection with human insecurity, violence, and organised crime. At the same time, there is widespread proof that the punitive paradigm promoted by the global drug control regime has undermined some of the key aims of the 2019 Ministerial Declaration itself and of the broader UN system, including the promotion of health, human rights, and sustainable development.

Review of the challenges identified in the 2019 Ministerial Declaration

Challenge: Tackling an ever-expanding and diversifying drug market. Status: Off track

Despite billions spent every year to curb illegal drug demand and supply, all available sources indicate that, in the 2019-2023 period, there has been an increase in scale in the illegal cultivation,

production and trafficking of drugs. At the same time, the number of people who use drugs aged 15-64 is estimated to have increased from approximately 271 million to 296 million, with one in 17 people aged 15-64 using drugs in the past year. Synthetic drugs, precursors, and new psychoactive substances have proliferated, in part as an unintended consequence of the expansion of law enforcement efforts which have pushed producers into novel and more compact substances that pose a new, more diverse, and often unknown range of health risks for people who use drugs.

Challenge: Addressing organised crime, violence, and insecurity. Status: Off track

The international community has made little progress in developing evidence-based policies to effectively address the connection between illegal drug markets, organised crime, and human insecurity. In a number of countries, illegal drug economies continue to fuel acute violence and conflict, particularly in producing and transit countries in the Global South. The example of Mexico – where the homicide rate was 62.6% higher in 2022 than in 2015 – illustrates how militarised responses fuel, rather than curb, this trend. The perceived levels of violence associated with illegal drug markets have also risen across the world, including in consumer countries. Illicit financial flows have a critical role in connecting drug trafficking, organised crime and corruption, but there is a dearth of updated and comprehensive data on the scale of the phenomenon. There is also no sign that it has been effectively tackled, including

due to the lack of cooperation by jurisdictions that host major financial institutions and tax havens.

Challenge: Addressing the links between digital technologies and illegal drug markets. Status: Off track

Just as in the legal economy, in the last four years digital technologies have become increasingly important in illegal drug markets. This has happened throughout different segments of the supply chain and through many different technologies, including social media, messaging platforms and the dark web. The UNODC has highlighted that tools to measure the role of digital technologies in illegal drug markets are 'complex' and 'challenging', and reliable data is lacking. Market volatility, exit scams and successful law enforcement might have slowed the growth of darknet markets in 2021 and 2022, but drug transactions appear to have moved to, and expanded in, other digital avenues which are opaquer, and where harm reduction and educational messaging is harder to disseminate.

Challenge: Protecting the health of people who use drugs. Status: Off track

There has been no global data on drug-related deaths since 2019, when 494,000 deaths were reported worldwide. However, available regional and national indicators point to an alarming evolution, in particular in relation to the increased use in synthetic opioids, mostly in North America, in spite of huge investment in interdiction and drug control. In the USA, overdose deaths have increased from 70,630 in 2019 to an estimated 109,940 in the year ending in February 2023. People who use drugs continue to face heightened risks of contracting blood-borne diseases compared to the general population. 12% of people who inject drugs are living with HIV, and 6.6 million people who use drugs live with Hepatitis C – an 18% increase from 2019. While the number of countries with some form of harm reduction intervention has increased slightly, coverage and availability remain very limited, particularly for oppressed and marginalised

people. It is estimated that only one in five people who are drug dependent receive treatment, with large disparities across regions and within countries. Quality also remains a major issue, with widespread reports of 'treatment' not being based on evidence, and relying instead on practices that are tantamount to torture or ill-treatment.

Challenge: Ensuring improved access to controlled medicines for pain relief and palliative care. Status: Off track

Shocking disparity in access to controlled medicines worldwide continues. Over 82% of the global population has access to less than 17% of the world's morphine-based medicines, and there is a 40-fold difference in the availability of opioids for pain management and palliative care between high-income and low- and middle-income countries, in part due to the strict controls introduced by the UN drug conventions. On a more positive note, since 2019 at least 18 countries have adopted laws or policies facilitating access to cannabis-based medicines, while in 2020 cannabis was removed from Schedule IV of the 1961 Single convention on drugs, thus recognising its therapeutic value. In addition, there are over 450 clinical medical trials worldwide on the use of psychedelics to treat mental illnesses.

Challenge: Reforming drug policies that violate human rights. Status: Off track

The last four years have witnessed an unprecedented acceleration in the recognition of the human rights impacts of drug control, with a growing body of commitments, findings and recommendations emerging from UN human rights bodies. However, the alignment of national drug policies with these recommendations has been unequal and insufficient. The documented number of people executed for drug offences rose from 91 in 2019 to 285 in 2022. Militarisation and 'war on drugs' campaigns drive serious and systematic human rights abuses – including hundreds of extrajudicial killings every year. The stigmatisation of people who use drugs remains

a central element of government policies across the world, with downstream impacts on the enjoyment of all human rights, including a whole range of economic, social, and cultural rights. Many governments continue to criminalise traditional and Indigenous uses of drugs. People marginalised on the basis of their race, gender, class or age are disproportionately impacted by these violations across all contexts, in all countries. Whilst UN human rights bodies have grown more vocal these abuses, the UNODC still refuses to condemn the most flagrant human rights violations connected to drug control.

Challenge: Reducing the overuse of prison and punishment. Status: Off track

The total number of people deprived of liberty worldwide has continued to grow over the past four years, from an estimated 10.74 million in 2018 to 11.5 million in 2023. Over one in five people currently in prison are incarcerated for a drug offence, with no clear improvement since 2019. Furthermore, between 440,000 and 500,000 people are estimated to be subjected to compulsory drug detention, and thousands more are detained against their will in private ‘rehabilitation’ centres. In addition, the vast majority of countries continue to impose criminal and other sanctions on people who use drugs. Nonetheless, since 2019 six countries and 9 federal jurisdictions have adopted some form of decriminalisation of drug use and possession for personal use, bringing the total number of decriminalised jurisdictions to 66, in 40 countries. Countries such as Canada, Colombia, Costa Rica and Kenya have reformed their drug laws to introduce some elements of proportionality and alternatives to incarceration, and many other proposals are being debated in parliaments.

Challenge. The legal regulation of substances under international control. Status: Off track

Today, Canada, Jamaica, Luxemburg, Malta, Thailand, Uruguay, as well as 23 US States, three US territories and Washington D.C. have adopted regulations concerning the cultivation,

possession, use and sale of cannabis for non-medical use – in addition to Bolivia which established regulated markets for coca in 2011. Two other countries – Mexico and South Africa – are yet to implement court mandates to create regulated frameworks. The number of people living in jurisdictions with some form of legal regulation has increased from approximately 123 million to 294 million between 2019 and 2023. This figure is poised to grow, as governments and political parties continue to introduce new proposals. Pilots for the legal regulation of other substances, particularly psychedelics and cocaine, are also starting to emerge. In September 2023, the OHCHR became the first UN agency to break the taboo on legal regulation by encouraging Member States to consider it as part of a human rights-based approach to drugs. However, legal regulation has become one of the centres of division at the CND, with the INCB and several Member States taking a vociferous – and often politically motivated – position against it.

Challenge: Addressing the development dimension of illegal drug markets and drug policy. Status: Off track

Traditionally, development considerations in drug policy have been restricted to the narrow concept of ‘alternative development’, with the end goal being eradication rather than a commitment to ensuring sustainable development. This is a major concern because illegal crop cultivation remains concentrated in some of the most impoverished, remote, and conflict-torn areas in the world. The yearly CND resolution on alternative development has tried to push beyond this eradication-focused approach, but progress on the ground remains very limited, and the principle of ‘adequate sequencing’ – namely, that alternative livelihoods should be secured before eradicating crops – is rarely followed. The situation is particularly concerning for women involved in illegal crop cultivation. In a positive development, an increasing number of countries and donors are trying to leverage the legal cultivation of internationally controlled plants to

secure livelihoods for rural communities, including through the cultivation of cannabis for medical and industrial purposes.

Challenge: Ensuring meaningful civil society participation. Status: Some progress made

Civil society, including affected communities such as people who use drugs, play a key role in the design, implementation, monitoring and evaluation of drug policies and programmes. At UN level, recent years have witnessed significant progress in ensuring civil society participation in drug debates; the 2023 decision to start screening the proceedings of the CND in UN Web TV constitutes a positive example. However, the role of civil society remains a point of contention in CND resolutions, including in the negotiations for the mid-term review of the 2019 Ministerial Declaration. At national level the picture is concerning, with the space for civil society shrinking due to authoritarian regimes, highly punitive drug policies, foreign agent laws, funding restrictions and more, resulting in civil society harassment and high levels of stigma against people working on drug policy reform.

Challenge: Improving data collection and analysis. Status: Off track

The lack of reliable, recent and comparable data remains a major obstacle to assessing the evolution and impacts of global drug policy. Traditionally, drug control bodies have measured progress in terms of market flows and scale, thus rendering invisible the health, human rights, and development dimensions of the world drug situation. The Annual Report Questionnaire, which is used to prepare the World Drug Report, was reviewed in 2020 with some improvements in terms of data disaggregation, but the final version failed to reconsider the overall objectives of drug control. Stepping into this void, civil society organisations have ramped up their efforts to collate and systematise data on key aspects of drug policy such as gender and incarceration, the availability of harm reduction services,

or the alignment of national drug policies with UN human rights guidance.

Blind spots of the 2019 Ministerial Declaration

In this report, IDPC has identified seven ‘blind spots’, or topics that were not reflected in the ‘challenges’ identified in the 2019 Ministerial Declaration. While some of these topics are new, others were simply omitted in 2019. The urgency of these blind spots – and the need to better align drug policies with the 2030 Agenda for Sustainable Development and human rights – requires that the international community recognises them as priority drug policy areas for the years to come:

- Blind spot 1: Recognising the potential of legal regulation as a tool to break the linkage between drug markets and organised crime
- Blind spot 2: Acknowledging the growing role of surveillance technologies in drug responses, and the need for international standards based on evidence and human rights
- Blind Spot 3: Breaking the taboo on harm reduction amidst a global public health crisis
- Blind spot 4: Placing racial justice and the principles of equality and non-discrimination at the centre of drug policy-making
- Blind spot 5: Decolonising the drug control regime by addressing the tensions between the drug conventions and Indigenous Peoples’ rights
- Blind spot 6: Remedying the lack of UN guidance and recommendations on the legal regulation of drugs in line with health, human rights, and development
- Blind spot 7: Recognising the environmental damage associated with drug policy.

Recommendations for the 2024 mid-term review

The Shadow Report concludes with a range of recommendations that seek the leverage the

mid-term review of the 2019 Ministerial Declaration on drugs as an opportunity for transformative change for the UN drug control regime:

- The debates and outcome document of the 2024 mid-term review should integrate the normative developments that have taken place at the CND, the UN General Assembly and the Human Rights Council since 2019, including explicit support for harm reduction, the rescheduling of cannabis, new language on racial discrimination in drug control, and the principle of adequate sequencing in alternative development.
- Following the recommendations of the OHCHR, the outcome document of the mid-term review should recognise the protection of health, human rights, equality and non-discrimination as overarching objectives for the system, and not reiterate the drug eradication goals.
- The outcome document should update the list of challenges included in the 'Stocktaking' section of the 2019 Ministerial Declaration to incorporate the new developments that have emerged since 2019, listed in the 'blind spot' section above. The workplan of intersessional meetings during the 2024-2029 period should also reflect these new challenges.
- During the mid-term review, we encourage Member States to acknowledge the existence of legally regulated markets for the non-medical use of internationally controlled drugs, and to call for monitoring, reporting and guidance on such markets by UN entities.
- While Member States should aim for an outcome document adopted by consensus, they should not shy away from calling for a vote on the final text to ensure the adoption of an outcome document that truly calls for transformative change, rather than being a simple ticking-the-box exercise.

Recommendations for the structural reform of the global drug control regime

Member States and UN actors that seek to move away from the punitive paradigm that has characterised the international drug control regime, and transform it into a system genuinely grounded on health, human rights and development, should consider the following longer-term recommendations:

- Member States should establish a multi-stakeholder mechanism with participation from civil society, academia and relevant UN entities responsible for exploring options to review the UN drug conventions in order to update and rebalance the text. This should include: (a) enshrining the centrality of a health, development and human rights in drug policy; (b) allowing countries to consider the legal regulation of drugs under international control; and (c) repealing existing commitments banning traditional uses of scheduled plants.
- UN bodies with relevant mandates including the WHO, the United Nations Development Programme and the OHCHR, should elaborate evidence-based guidance and recommendations on how to implement the legal regulation of drugs in line with existing standards and best practices on health, human rights, and development.
- Relevant UN agencies and academia, in partnership with civil society, should update international standards on human rights and drug policy to reflect the latest evidence and guidance from the UN system, as well as include guidance on the legal regulation of drugs.