

UNITED NATIONS
INTERNATIONAL NARCOTICS
CONTROL BOARD



NATIONS UNIES
ORGANE INTERNATIONAL DE
CONTRÔLE DES STUPÉFIANTS

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8 July 2004

Dear Ms. Lindholm,

On behalf of the International Narcotics Control Board, and with reference to the responsibilities of the Board as stipulated under the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 United Nations Convention on Illicit Traffic against Narcotic Drugs and Psychotropic Substances, I wish to refer you to the following matter.

We are in receipt of your recent query, regarding the position of the Board regarding drug consumption rooms in Germany, and of so called "injection rooms" in general. Please be informed that it remains the position of the Board that such facilities are in contravention of the provisions of the international drug control conventions, insofar as they are fora where persons can abuse drugs acquired with impunity on the illicit market. While Governments should spare no effort in taking measures to ensure that drug addicts undergo treatment, such measures must always be in accordance with their obligations under the international drug control conventions.

Regarding the particular case of Germany, the Board visited the country in July 2003 upon the invitation of the Government, primarily to visit some of the drug consumption rooms in operation, and discuss with the authorities the Board's concerns regarding these facilities. During this mission, the Board noted the efforts of the Government to integrate drug consumption rooms into the general health care services for drug addicts, and also noted that the facilities in general were well maintained and clean. However, the fact remains that they are places where persons are able to abuse illicit drugs, and it is therefore the Board's position that they are in violation of the international drug conventions. I would refer you to paragraphs 559 through 561 of the Board's Annual Report 2003, which outline briefly the background to, and findings of, this mission.

Though I am unable to share with outside parties the details of any correspondence between the Board and the German Government, please rest assured that the concerns of the Board regarding this issue were conveyed to the Government subsequent to the mission, and remain a subject of discussion. I would also stress that the Board has made, and continues to make similar approaches to Governments of any countries where injection rooms are in operation, and makes clear its concerns.

Ms. Malou Lindholm
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- 2 -

Regarding the Board's position on "harm reduction", I would note that there is no definition of this term in any of the three international drug control conventions. The three conventions do refer to measures for the prevention of drug abuse, and for the early identification, treatment, aftercare, rehabilitation and social reintegration of drug abusers. The Board's position is that any measures in this regard, and any measures taken by Governments to prevent the spread of HIV/AIDS, should be in compliance with the provisions of the international drug control conventions, and should in particular neither encourage nor facilitate drug abuse.

In this regard, I would refer you to paragraphs 217 through 226 of the Board's Annual report 2003, which outline in some detail the Board's position on harm reduction in general, and on some of the measures taken by a number of Governments under this rubric. While not all of these measures are a source of concern for the Board, some are, and in particular the Board is of the view that the operation of injection rooms is, as noted above, in contravention of the provisions of the international drug control conventions. The Board has made its views regarding particular harm reduction measures known to the Governments concerned, as well as publicly through its Annual Reports, as necessary and appropriate.

Regarding the possibility of amending the international drug control conventions, please note that this is entirely the prerogative of State parties; the Board would have no part to play in this. The respective procedures for amendment are outlined in each convention. As the Board is the body charged with monitoring the application of the conventions, it would be most inappropriate for it to approach any State on this issue.

Please do not hesitate to contact us again, should you require any further information.

Yours sincerely,



Herbert Schaepe
Secretary
International Narcotics Control Board