

CEU-SUN Drug Policy & Human Rights, 2013

This is a tentative reading list, which will be finalised later in the spring.

Session 1: Professor Osiatyński: Principles of Human Rights

Essential

Wiktor Osiatyński, **Human Rights and Their Limits**, Cambridge University press 2009: 70—86 and 105—126.

Wiktor Osiatyński "Rights of drug users and drug-dependent persons." Translated from Polish. In Kasia Malinowska—Sempruch (ed.) "Niezamierzone konsekwencje: polityka narkotykowa i prawa człowieka" (Unintended consequences: drug policy and human rights). International Debate Education Association 2005: 135—151.

Aryeh Neier "Human rights of drug users in times of HIV and AIDS." (Ibidem: 279—284.) (Handout of the English original will be available)

Alex Wodak "Health, HIV Infection, Human Rights, and Injection Drug Use." In From Kasia Malinowska—Sempruch and Sarah Gallagher (eds) **War on Drugs, HIV/AIDS and Human Rights**. International Debate Education Association 2004: 140—157.

Legislation for Health and Human Rights: Model Law on Drug Use and HIV/AIDS. Canadian HIV/AIDS Legal Network 2006.

Additional

Larry Gostin and Jonathan Mann "Toward the Development of a Human Rights Impact Assessment for the Formulation and Evaluation of Public Health Policies." In Sempruch and Gallagher: 89—111.

Session 2: Dave Bewley-Taylor, The International Drug Control System

I The Evolution and Operation of the International control system

Essential

Ethan A. Nadelmann, 'Global Prohibition Regimes: The Evolution of Norms in International Society,' *International Organization*, 44, 4, (1990), pp. 479-526.

Julia Buxton, The Historical Foundations of the Narcotic Drug Control Regime, in Philip Keefer and Norman Loayza (Eds), *Innocent Bystanders: Developing Countries and the War on Drugs*, The World Bank, 2010, pp. 61-93.

<http://www.druglibrary.stir.ac.uk/documents/536410PUB0Inno101Official0Use0Only1.pdf>

Additional

Jay Sinha, *The History and Development of the Leading International Drug Control Conventions*, (Report Prepared for the Canadian Senate Special Committee on Illegal Drugs) www.parl.gc.ca/37/1/parlbus/commbus/senate/com-e/ille-e/library-e/history-e.htm

Catherine Carstairs, 'The Stages of the International Drug Control System,' *Drug and Alcohol Review*, 24, 1 (2005), 57-65

David Bewley-Taylor and Martin Jelsma, *Fifty Years of the 1961 Single Convention on Narcotic Drugs: A Reinterpretation*, (Amsterdam: Transnational Institute, Series on Legislative Reform of Drug Policies, Nr. 12, 2011).

<http://www.tni.org/sites/www.tni.org/files/download/dlr12.pdf>

Harry G. Levine, 'Global Drug Prohibition: Its Uses and Crises,' *International Journal of Drug Policy*, 14, 2 (2003), 145-153

II The Drug Control Apparatus

Essential

Cindy Fazey, 'The Commission on Narcotic Drugs and the United Nations International Drug Control Programme: Politics, Policies and Prospects for Change,' *International Journal of Drug Policy*, 14, 3 (2003), 155-169

IDPC, *The International Narcotics Control Board: Current Tensions and Options for Reform*, (Witley, Surrey, UK: International Drug Policy Consortium, Briefing Paper 7, 2008

www.idpc.net/sites/default/files/library/IDPC_BP_07_INCB_TensionsAndOptions_EN.pdf

Additional

Dave Bewley-Taylor and Mike Trace, *The International Narcotics Control Board: Watchdog or Guardian of the UN Drug Control Conventions*, (Beckley, Oxon., UK: The Beckley Foundation Drug Policy Programme, Report 7, 2006).

www.beckleyfoundation.org/pdf/Report_07.pdf

D. Barrett 'Unique in International relations? A comparison of the International Narcotics Control Board and the UN human rights treaty bodies' International Harm Reduction Association, 2008 <http://www.ihra.net/files/2010/06/16/Barrett-uniqueinInternationalRelations.pdf>

Dave Bewley-Taylor and Mike Trace, *The Funding of the United Nations Office on Drugs and Crime; An Unfinished Jigsaw*, (Beckley, Oxon., UK: The Beckley Foundation Drug Policy Programme, Report 11, 2006)

www.beckleyfoundation.org/pdf/Beckley_Report11.pdf

III Regime Impact and Change

Essential

David R. Bewley-Taylor, 'Challenging the UN drug control conventions: problems and possibilities,' *International Journal of Drug Policy*, 14, 3 (2003) 171-179

M. Costa, "Making drug control 'fit for purpose': Building on the UNGASS Decade," <http://www.unodc.org/documents/commissions/CND-Session51/CND-UNGASS-CRPs/ECN72008CRP17.pdf>

Additional

Mike Trace, 'Drug Policy – Lessons Learnt, and Options for the Future,' Global Commission on Drug Policies, 2010.

http://www.globalcommissionondrugs.org/Arquivos/Global_Com_Mike_Trace.pdf

David R. Bewley-Taylor, "Getting high on the policy agenda: Europe, the US and the future of the global drug prohibition regime," *Journal of Transatlantic Studies*, 4 , 1, (2006) 27-53

Martin Jelsma, *The Development of International Drug Control: Lessons Learned and Strategic Challenges for the Future*, (Amsterdam: Transnational Institute, Series on Legislative Reform of Drug Policies, Nr. 10, 2010)

<http://www.tni.org/sites/www.tni.org/files/download/dlr10.pdf>

David Bewley-Taylor, 'The 2009 Commission on Narcotic Drugs and its High Level Segment: More Cracks in the Vienna Consensus,' *Drugs and Alcohol Today*, 9, 2 (2009), 7-11

Christopher Hallam, 'Goodnight Vienna – Reflections from the Conference Floor,' *Drugs and Alcohol Today*, 9, 2 (2009), 31-33

Martin Jelsma, *Lifting the Ban on Coca Chewing: Bolivia's proposal to amend the 1961 Single Convention*, (Amsterdam: Transnational Institute, Series on Legislative Reform of Drug Policies, Nr. 11, 2011)

<http://www.druglawreform.info/en/publications/legislative-reform-series-/item/1200-lifting-the-ban-on-coca-chewing>

Session 3. Damon Barrett, Human Rights and International Drug Policy

Core international treaties/declarations under discussion (non-exhaustive)

- Charter of the United Nations 1945
<http://www.un.org/en/documents/charter/index.shtml>
- Universal Declaration of Human Rights 1948
<http://www.ohchr.org/en/udhr/pages/introduction.aspx>
- International Covenant on Civil and Political Rights 1966
<http://www2.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economic Social and Cultural Rights 1966
<http://www2.ohchr.org/english/law/cescr.htm>
- UN Convention on the Rights of the Child 1989
<http://www2.ohchr.org/english/law/crc.htm>
- Declaration on the Rights of Indigenous Peoples 2007
<http://www2.ohchr.org/english/issues/indigenous/declaration.htm>
- Single Convention on Narcotic Drugs 1961
http://www.incb.org/pdf/e/conv/convention_1961_en.pdf
- Convention on Psychotropic Substances 1971
http://www.incb.org/pdf/e/conv/convention_1971_en.pdf
- Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 http://www.unodc.org/pdf/convention_1988_en.pdf
- WHO Framework Convention on Tobacco Control 2003
http://www.who.int/fctc/text_download/en/index.html

- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 1999
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

I. GENERAL

Essential

Briefings on human rights and drug policy (Harm Reduction International, Human Rights Watch, Open Society Foundations, Canadian HIV/AIDS Legal Network)
<http://www.ihra.net/contents/810>

(These are issue-based briefings of 3-4 pages each highlighting six core themes that touch upon many human rights protections)

- Briefing 1 - Harm Reduction
- Briefing 2 - Criminal laws and Policing
- Briefing 3 - Harm Reduction and Detention
- Briefing 4 - Compulsory Drug Treatment
- Briefing 5 - Access to Controlled Essential Medicines
- Briefing 6 - Crop Eradication

Additional

International Journal on Human Rights and Drug Policy, Vol I, 2010 (Online – chapters on targeted killings, death penalty, rights of the child, Commission on Narcotic Drugs, and the concept of ‘evil’ in the Single Convention 1961)
http://www.humanrightsanddrugs.org/?page_id=1333

Human Rights Watch reports on human rights and drug policy (e.g. racial disparities in incarceration, drug detention centres, policing and HIV)
<http://www.hrw.org/en/node/82339>

R. Saucier and D. Wolfe, (eds) *At What Cost? HIV and Human Rights Consequences of the Global War on Drugs*, Open Society Foundations, 2009
http://www.soros.org/initiatives/health/focus/ihrd/articles_publications/publications/at_whatcost_20090302

II HUMAN RIGHTS AND THE UN DRUG CONTROL SYSTEM

Essential

D. Barrett and M. Nowak ‘The United Nations and Drug Policy: Towards a human rights-based approach’ in *The Diversity of International Law: Essays in Honour of Professor Kalliopi K. Koufa*, pp. 449-477, Aristotle Constantinides and Nikos Zaikos, eds., Brill/Martinus Nijhoff, 2009
http://www.ihra.net/files/2010/07/01/The_United_Nations_and_Drug_Policy_%28with_Manfred_Nowak%29.pdf

S. Takahashi 'Drug Control, Human Rights, and the Right to the Highest Attainable Standard of Health: By No Means Straightforward Issues' *Human Rights Quarterly* - Volume 31, Number 3, August 2009, pp. 748-776

R. Lines, D. Barrett and P. Gallahue 'Complicity or abolition? The death penalty and international support for drug enforcement', International Harm Reduction Association, 2010 (pp. 16-35) <http://www.ihra.net/contents/567>

UN Office on Drugs and Crime, 'Drug control, crime prevention and criminal justice: A human rights perspective', UN Doc No E/CN.7/2010/CRP.6–E/CN.15/2010/CRP.1, 3 March 2010 http://www.unodc.org/documents/commissions/CND-Uploads/CND-53-RelatedFiles/ECN72010_CRP6eV1051605.pdf (Part IV)

Additional

Manfred Nowak, 'The Three Pillars of the United Nations: Security, Development and Human Rights' in M. E. Salomon *et al.* (eds.), *Casting the Net Wider: Human Rights, Development and New Duty-Bearers* (Intersentia, Antwerp/Oxford, 2007), pp. 25–41

D. Barrett 'Security, development and human rights: Legal normative and policy challenges for the UN drug control system' *International Journal of Drug Policy*, 2010

[http://www.ihra.net/files/2010/07/01/Security, Development and Human Rights - Legal, Normative and Policy Challenges for the International Drug Control System.pdf](http://www.ihra.net/files/2010/07/01/Security,_Development_and_Human_Rights_-_Legal,_Normative_and_Policy_Challenges_for_the_International_Drug_Control_System.pdf)

Bewley-Taylor D 'Emerging policy contradictions between the United Nations drug control system and the core values of the United Nations' *International Journal of Drug Policy*, Vol 16:423–431, 2005

UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, UN Doc No A/HRC/10/44, 14 January 2009 (Part IV) <http://www.humanrightsanddrugs.org/wp-content/uploads/2009/12/SR-Torture-Report-A.HRC.10.44AEV.pdf>

F. Mena and D. Hobbs 'Narcophobia: Drugs prohibition and the generation of human rights abuse' *Trends in Organized Crime* [Volume 13, Number 1](#), 60-74, 2009 <http://www.springerlink.com/content/q135824612739478/fulltext.html>

III DRUGS AND THE RIGHT TO HEALTH

Essential

UN Committee on Economic Social and Cultural Rights, General Comment No 14, the right to the highest attainable standard of health <http://www2.ohchr.org/english/bodies/cescr/comments.htm>

UN General Assembly, Report of the Special Rapporteur on the right to the highest attainable standard of health, Anand Grover, UN Doc No A/65/255, 2010 <http://www2.ohchr.org/english/issues/health/right/annual.htm>

R. Lines, 'The right to health of prisoners in international human rights law' *International Journal of Prisoner Health*, March 2008; 4(1): 3-53

<http://www.humanrightsanddrugs.org/wp-content/uploads/2009/09/Right-to-Health-IJPH-2008.pdf>

Additional

R. Elliott, J. Csete, E. Wood, T. Kerr, 'Harm Reduction, HIV/AIDS and the Human Rights Challenge to Global Drug Control Policy', *Health and Human Rights*, 2005;8(2):104-3

<http://www.aidslaw.ca/publications/interfaces/downloadFile.php?ref=770>

R. Lines, 'Injecting Reason: Prison Syringe Exchange and Article 3 of the European Convention on Human Rights', [2007] E.H.R.L.R. ISSUE 1

<http://www.humanrightsanddrugs.org/wp-content/uploads/2009/09/Injecting-Reason-R-Lines.pdf>

UN Human Rights Council, UN Special Rapporteur on the Right to Health, Mission to Sweden, UN Doc No A/HRC/4/28/Add.2, 28 February 2007

<http://www2.ohchr.org/english/issues/health/right/visits.htm>

UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Mauritius, UN Doc No E/C.12/MUS/CO/4, 8 June 2010

<http://www2.ohchr.org/english/bodies/cescr/cescrs44.htm>

IV DRUGS AND THE RIGHTS OF THE CHILD

Essential

D. Barrett and P. Veerman 'Children who use drugs: The need for more clarity on State obligations in international law' *International Journal on Human Rights and Drug Policy*, Vol I, 2010 pp. 63-81 <http://www.humanrightsanddrugs.org/wp-content/uploads/2011/04/IJHRPD-Vol-1-2010-BARRETT-VEERMAN-Drug-use-and-the-CRC.pdf>

Chapters from D. Barrett (ed) *Children of the Drug War: Perspectives on the impact of drug policies on young people*, iDebate Press 2011

Additional

S. Gruskin et al 'Understanding and Responding to Youth Substance Use: The Contribution of a Health and Human Rights Framework' *American Journal of Public Health*, Vol 91, No. 12, 2001, pp. 1954-1963

<http://ajph.aphapublications.org/cgi/content/full/91/12/1954>

UNICEF: Implementation Handbook for the Convention on the Rights of the Child (Art. 33) pp. 503 – 512

<http://www.unicef.org/crc/files/Implementation%20Handbook%203rd%20ed.pdf>

UN Committee on the Rights of the Child

- General Comments
 - <http://www2.ohchr.org/english/bodies/crc/comments.htm>
 - No. 3: HIV/AIDS and the rights of the child
 - No. 4: Adolescent health

- No. 10: Juvenile justice
- No. 12: The right to be heard
- Concluding Observations
 - <http://www2.ohchr.org/english/bodies/crc/sessions.htm>
 - Denmark 2005
 - Colombia 2006
 - Sweden 2009
 - Ukraine 2011
 - New Zealand 2011
 - Mexico 2011 (Optional protocol on children in armed conflict)

UNICEF, 'Blame and Banishment: The underground HIV epidemic affecting children in Eastern Europe and Central Asia' 2010

http://www.unicef.org/media/files/UNICEF_Blame_and_Banishment.pdf

Advisory Council on the Misuse of Drugs (UK) 'Hidden Harm: Responding to the needs of children of problem drug users' 2003 (Executive summary)

<http://www.drugscope.org.uk/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=D5DC9EDC-E28E-4BF1-864F-75C7C456552D&mode=link&guid=9def23f124c740c886dfd52e028c16a7>

L. Dowdney, 'Children of the Drug Trade: A case study of children in organised armed violence in Rio de Janeiro', 7 Letras, 2003

http://www.coav.org.br/publique/media/livroluke_eng.pdf

V PROPORTIONALITY AND LEGITIMATE INFRINGEMENTS OF RIGHTS

Essential

Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, U.N. Doc. E/CN.4/1985/4, Annex (1985)

<http://www1.umn.edu/humanrts/instree/siracusaprinciples.html>

Prince v President of the Law Society of the Cape of Good Hope (CCT36/00) [2002] ZACC 1; 2002 (2) SA 794; 2002 (3) BCLR 231 (25 January 2002)

(*cf Ngcobo J in Dissent paras 45-82 and the majority judgement of Chaskalson CJ, Ackermann and Kriegler JJ, paras 110-118*)

<http://www.saflii.org/za/cases/ZACC/2002/1.html>

Prince v South Africa (UN Human Rights Committee) Communication No. 1474/2006 CCPR/C/91/D/1474/2006, 14 November 2007

(*See in particular paras 7.1 – 7.5*)

http://www.bayefsky.com/pdf/southafrica_t5_iccpr_1474_2006.pdf

C.Walsh 'Drugs and human rights: private palliatives, sacramental freedoms and cognitive liberty' *International Journal of Human Rights*, Vol. 14, No. 3, May 2010, 425–441

Additional

Transnational Institute, various documents on Coca
http://www.ungassondrugs.org/index.php?option=com_content&task=blogsection&id=15&Itemid=84

Kitok v Sweden (UN Human Rights Committee) Communication No. 197/1985, CCPR/C/33/D/197/1985 (1988)
<http://www1.umn.edu/humanrts/undocs/197-1985.html>

Länsman et al. v. Finland, (UN Human Rights Committee) Communication No. 511/1992, U.N. Doc. CCPR/C/52/D/511/1992 (1994)
<http://www1.umn.edu/humanrts/undocs/html/vws511.htm>

VI A human right to use drugs?

Essential

E. Van Ree 'Drugs as a human right' *International Journal of Drug Policy* Vol. 10, Issue 2, 1999, pp. 89-98.

N. Hunt 'Public health or human rights: what comes first?' *International Journal of Drug Policy*, Vol. 15, Issue 4, 2004, pp. 231-237.

R. Newcombe, 'Details of 10 Specific Rights of Drug Users', (Manchester, England, Lifeline, May 2007). http://www.lifeline.org.uk/docs/SB_RightsDetails.htm

Additional

P. O'Mahony, 'The Irish War on Drugs: The seductive folly of prohibition' Manchester University Press, 2008)

D. Husak 'Drugs and Rights' (Cambridge University Press, 1992)

D. Husak 'Overcriminalisation: The limits of the criminal law' (Oxford University Press, 2007)

C. N. Mitchell 'The Drug solution: Regulating drugs according to principles of efficiency, justice and democracy' (Carleton University Press, 1990)

Session 4. Krzysztof Krajewski & Richard Soyer, LEGAL SYSTEMS AND DRUG POLICY

Summary of the Evidence and a Framework for Assessment (chapter 13), in: R.J.MacCoun, P.Reuter *Drug War Heresies. Learning from Other Vices, Times, & Places*, Cambridge University Press, Cambridge 2001, pp. 300 – 327.

Criminalization and decriminalization of drug use and possession (section III, chapter 11), in: T.Barbor et al. *Drug Policy and the Public Good*, Oxford University Press, Oxford 2010, pp.163 – 177.

C.E.Hughes, A.Stevens *What can we learn from the Portuguese decriminalization of illicit drugs?* *The British Journal of Criminology* 2010 doi: 10.1093/bjc/azq038).

A.Stevens *Drug policy, harm and human rights: A rationalist approach*, International Journal of Drug Policy, (2011), doi:10.101602.003

Session 5. CIVIL SOCIETY RESPONSES – HCLU

Recommended Drug Policy and Human Rights related videos

(all the videos can be watched at http://drogriporter.hu/en/hclu_tv)

- Kyrgyzstan – a pioneer in Harm Reduction – 2009, HCLU
- A heroin user in Stockholm – 2009, HCLU
- Looking for an Alternative – Georgian Drug Policy issues – 2008, HCLU
- Russia and the methadone – breaking the ice – 2010, HCLU
- Why Russia say no to methadone? – 2008, HCLU
- Cops say legalize drugs part 1 and 2 – 2007, HCLU
- A drug free world – could we do it? – 2008, HCLU
- Abstinence first?- 2008, HCLU
- Student drug testing – 2008, HCLU
- War on drugs - the new Jim Crow? – 2008, HCLU
- The true meanings of harm reduction – 2008, HCLU
- Harm reduction: revolutions – 2009, HCLU
- A drug-free Sweden – by all means? – 2009, HCLU
- Waiting for a legal shot – 2009, HCLU
- Officially neglected – 2009, HCLU
- After the war on drugs – 2009, HCLU
- Clean needles saves lives – 2009, HCLU
- Russia, methadone and the international law – 2010, HCLU
- Take home Naloxone – the right to survive overdoses – 2010, HCLU
- Abuse in the Name of Treatment – Drug Detention Camps in Asia – 2010, HCLU

Session 6. Kasia Malinowska-Sempruch; Public Health and Drug Policy

Essential

Beyer, C. et al. '12 myths about HIV/AIDS and people who use drugs' in *The Lancet*, Special Issue on HIV in people who use drugs, July 2010.

Beyer, C. et al. 'Time to act: a call for comprehensive responses to HIV in people who use drugs' in *The Lancet*, Special Issue on HIV in people who use drugs, July 2010.

Csete, J. From the Mountaintops: What the World Can Learn from Drug Policy Change in Switzerland, Columbia University, May 2010

Tatarsky, A. 'Harm reduction psychotherapy: Extending the reach of traditional substance use treatment' in the *Journal of Substance Abuse Treatment* 25 (2003) 249–256

Wodak, A., Maher, M. 'Harm Reduction in Preventing HIV among Drug Users in the *NSW Public Health Bulletin*, Vol. 21(3–4) 2010

International Harm Reduction Association and Human Rights Watch. 'Support for Harm Reduction. An overview of multi-lateral endorsement of harm reduction policy and practice'. 19 January 2009

Session 7. Professor Daniel Mejia & Dr Buxton, Drug Policy Issues in Producer Countries

Video – Cocaine Unwrapped (Dartmouth Documentaries, 2010)

Mejia D. and C. Posada, 2010. "Cocaine production and trafficking: What do we know?" In: *Innocent Bystander: Developing Countries and the War in Drugs*, The World Bank, published by McMillan/Palgrave

Mejía D. and D Rico. 2011, "The microeconomics of cocaine production and trafficking in Colombia" in *Políticas andtiroga en Colombia: éxitos, fracasos y extravíos* (A. Gavira and D. Mejía, eds.). Ediciones Uniandes, Bogota (Book in Spanish).

Reuter, P., 2010. "Can Production and Trafficking of Illicit Drugs Be Reduced or Only Shifted?" In: *Innocent Bystander: Developing Countries and the War in Drugs*, The World Bank, published by McMillan/Palgrave.

Mansfield, D., 2001. "The Displacement of Opium Poppy Cultivation: A Shift in the Regional Threat?" Report for Drugs & International Crime Department Foreign & Commonwealth Office.

Mejía, D., 2010. "Evaluating Plan Colombia". In: *Innocent Bystander: Developing Countries and the War in Drugs*, The World Bank, published by McMillan/Palgrave.

Keefer, P., Loayza, N, and Soares, R. "Drug Prohibition and Developing Countries: Uncertain Benefits, Certain Costs". In: *Innocent Bystander: Developing Countries and the War in Drugs*, The World Bank, published by McMillan/Palgrave.