

Developing a drug control system through human rights rules and mechanisms

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Développement du système de contrôle des drogues à travers les règles et les mécanismes des droits de l'homme

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Introduction

Since the problem of society-related drugs constitutes one of the most complex and pluralistic situations in terms of dimensions, its factors and causes are unknown, and there is no ideal applicable policy for all countries since its reference lies in the different circumstances and environment in which the phenomenon of drug abuse and trafficking arises or the system that combats it.

Because of the danger of its spread, which does not differentiate between a strong or a poor country, the international community is igniting the alarm about the high rate of cultivation of some drug substances (UNODC,2015). Since it occupies the second place in the most profitable trade operations, international bodies have announced in their various disciplines a policy of intensifying efforts and responsibilities to face the diversification of the course of drug dealing: cultivation, production, manufacturing, export, transport, wholesale and retail trade, or abuse.

Given the diversity of drug use, its transit route, and the richness of its substances circulating in the market today, awareness-raising campaigns have escalated from its material, moral, physical and mental, individual and collective harms (Barrett. D and Nowak, M, 2009a; Boister, N, 2002). As it has become oscillating between two realities: the inadequacy of its classic policies with the present time, as well as the challenges of its systems with the international drug control system, which brought out all the disadvantages that made it the subject of criticism.

In general, it was found by the international community that after a long period from the establishment of the prevention or deterrence regime, countries were able to have useful experiences in this field, (High-level segment Commission, 2009) but they did not reach the main goal of “ life without drugs”, because societies have not been able to put an end to natural influences such as cocaine, heroin, hashish or industrial drugs such as ecstasy, amphetamines, ethylamide, and lysergic acid.

In this regard, The United Nations Office on Drugs and Crime stated in its annual report of 2018 that “ for 10 years it has been confirming to the world that the global war on drugs has failed, especially when it’s linked to the activity of organized crime has increased its pace”. This issue is based on a consensus which is repeated in forums, and it requires tangible and solid international commitment (UNODC, 2016), for example, at the European level, it is found in the European Convention on Human Rights that gives the Council of Europe a wide scope for appreciation in the field of social policy, and similarly at the international level. (UNODC’s Regional Programme for Afghanistan and Neighbouring Countries, 2018; Lines et al, 2017)

The goal at the end is to search for the problems presented and to help find answers that allow the inclusion of the subject of human rights, as well as the conviction of the difficulty of this path, which encourages the search for renewal and modernization. So, how effective is the approach based on linking anti-drug policies with human rights principles?

The answer lies in the proposition that the difference between drug control systems and human rights has created, to the extent that they are different, contrast and competition between them. However, the logic of legal efficacy came to dictate a renewal of opinion by accepting their coexistence in light of what was suggested by the international assessment approach.

1. The disparity between the international drug control system and the international system of human rights

Two basic situations have arisen from the multiple relations between the international legal system for drug control and international human rights law to the extent that it is correct to say that the latter is subject to violations, and they are represented in the deficiencies witnessed in the convention system for drug control. The problem is for the unified and reference model application of those conventions, although the rules in the field of drug control are considered to be of great importance at the legal level.

1.1. The diversity and richness of the international drug control system

We start from where the legal studies and research at the end of the national and international level, and drugs remain one of the dilemmas that affect all countries. They were described as a “global problem”, (General Assembly, 2016) because it is a problem of an individual and a group, a problem of society, politicians and economists, a problem of the state, bodies, and organizations. That is why everyone realizes that despite the significant progress in the legal

system for drug control, it still challenges the health, dignity, peace, security, and prosperity of all mankind. Therefore, the philosophy of this system emulates the principles of right and duty, as it had not been for the aggravation and escalation of the problem itself that focused attention on the issue of the “duty” of the individual, the state, or the international community to contribute to fighting it as a phenomenon and combating this crime. In most regimes and their various approaches, the idea of “right” in front of the regime of anti-drugs is forgotten.

The situation in which it is accustomed to dealing with the “drug problem” remained for many years dependent on competition between countries in providing basic and institutional systems to combat it in answer to the following traditional questions: Are there bold international texts that fight drugs? Did countries join or have the ability to join? Are there sufficient international bodies for drug control? And did the countries do their internal laws in this area?

Perhaps a quick preview led us to recall what *lex lata* is as a system, as we know that it is based on three main conventions, with the only convention on Narcotic Drugs done in Paris in 1961 and it entered into force on December 13, 1964, annexed to its 1972 Amending Protocol done in Geneva on 25/3/1972 and entered into force on 08/18/1973. As well as the Convention on Substances affecting the psychological state, concluded on 11/02/1971 and entered into force on 16/08/1976, and the United Nations Convention against Illicit Trafficking of drugs in the project in narcotics and psychotropic substances done in Vienna on 12/20/1988 and it entered into force on 11/11/1990. It is the sound legal ground for confronting drugs, however, it was preceded by previous texts, whether binding or non-binding, but they were limited in their geographical scope: the International Opium Treaty (The Hague, 1912), and it was followed by the Convention of the First and Second Opium Conference of 1925 and the Convention on the Manufacture of Narcotic drugs and the regulation of their distribution of 1931, the Bangkok Convention of 1931 as well, the Convention for the suppression of the Illicit Traffic in Dangerous Drugs of 1936. The Six New York Protocol of 1946, the Paris Protocol of 1948, and the New York Protocol of 1953. These agreements have been supported by concerted international efforts to spread the conviction of their commitment by joining and activating the internal systems in their light. The most important manifestations of this agreement appeared in the issuance of the first resolution of the General Assembly in 1985 in which a discussion of the legal and practical obstacles facing the march of human struggle and the

situation was launched. A global plan with multiple dimensions and scopes, followed by the Second Conference of the United Nations in 1978 held at the European Headquarters of the United Nations from June 17th to 26th, 1987.

In which it was declared for the first time “June 26th” as the International Day for Drug Control. The most important thing is the affirmation of the principle of participation and the political initiative of governments to implement the global plan to combat drugs, to be officially announced by the United Nations through the body of the General Assembly on the International Decade to Combat Drug Abuse in a new vision in between 1991 and 2000, It was on the occasion of the Vienna Conference at the fortieth session of the United Nations Commission on Narcotic Drugs, from March 18th to 27th, 1997. It is aimed to strengthen international cooperation procedures for drug control and the implementation of international conventions, as well as the promotion of long-term comprehensive strategies to reduce the demand for drugs. In return for that, it was the role of international institutions in this field which is due to the development of the legal system for its effectiveness at the Commission on Narcotic Drugs, the International Narcotics Control Board, and the United Nations Office on Drugs and Crime. They are mechanisms that came to improve the systematic and comprehensive response to drug issues at its various levels namely: curative and preventive, and all its work ends with the production of annual reports that provide comprehensive assessments of a world drugs problem within prospective studies that the United Nations undertook to enforce its decisions and practice, whether by compulsion or choice.

1.2. Shortcomings and gaps in the international anti-drug conventions

The shortcomings that prevailed in the international texts and the tools devoted to their enforcement in the field of drug control prompted the international community to demand their renewal and modernization. In general, the international conventions on drugs were satisfied with a specific rule that focus on the approach of severity on deterrence and reprimand by imposing penalties on various types, which is known as “work.” They focus on controlling the supply of narcotics and psychotropic substances to reduce consumption, which has remained the preferred method for many countries (INSEREM, 2012) such as Russia, the United States of America and China.”

Perhaps the topics of the deterrent method, despite their diversity, did not fulfill the purpose to some extent, while they benefited from the fight against wholesale, but it cost the policies of countries huge budgets in the fight of armed gangs that smuggle drugs from one country to another. It is evidenced

by the fact that the smuggling market has become widespread, and the same efforts, which were made for many years in Thailand, Myanmar, and Laos, only succeeded in transferring the source of their production to Afghanistan, and the forceful control of drugs in Colombia caused the transfer of their cultivation to Peru and Bolivia (Commission, 2016). In retail, there are many obstacles, for example, international experts have shown that the discovery and seizure of 60% of drugs exported to a particular country during distribution confirm the level of their prices and the rate of access to them in the future, and 20% remain outside the control of the state during distribution. as happened in Morocco, Burmania, and India, which changed the direction of drug sales to other illegal activities, and their quality in parallel markets. In general, international reports showed, especially in the years between 1998 and 2008 (General Assembly, Resolution, 1998), as well as 2009 and 2016 (UNODC, 2014; 2018) that they utterly failed in the “war on drugs”, and all efforts to reduce or eliminate illegal production only caused retail prices to rise, even if it succeeded in a relative decline in consumption. However, the disbursement of budgets has only helped slow down trade in this area, and the worse is that “ban” and “deterrence” have contributed to raising the proceeds of organized crime (UNODC, 2015), which encourages the drug market and supports illegal violent activities. This indicates clearly that consumption did not shrink as it was imagined (United Nations, 2016).

On the other hand, since the destructive consequences of drug abuse and illicit trafficking have increased, and the complexity of their patterns in a rapidly changing social and economic climate, a new international commitment has emerged that is concerned with flexibility in dealing with the global problem of drugs. This challenge this time is based on “demand reduction”, which is used to describe the policies or programs directed at reducing medicine by the three agreements.

From the two tools of prevention and intimidation, as well as training and education not to abuse addiction or drug trafficking, which was the ideal choice for most European countries, such as Switzerland, France, Italy, and England.

It was indeed ambitious and idealistic to rush towards encouraging this approach, especially when the data showed the failure of anti-drug policies, because they were not taken seriously by the groups to whom prevention policies were applied, such as young people and teens with a high desire for risk, Or by focusing on a group of educated children only. The fact is that there is a lack of awareness and disregard for official information (Sturma, P. 1995), with the insufficiency or weakness of monitoring and evaluation systems that

deepened the gap (Report of the open-ended intergovernmental working group of experts on drug demand, 2008; Barrett, D. 2018b).

1.3. The standard and reference standard application of drug control conventions

The continuation and application of the agreements in one way and their interpretation in a more narrow sense harmed moving the wheel of drug control, as the focus on reducing demand was rejected, and the excessive demand to reduce the offer established for the deterrent approach led to an increase in consumption, and then the announcement on reducing demand remained hostage. The stalemate did not affect the progress or implementation of the three conventions on drugs, which negatively affected the role played by the Narcotics Control Authority years ago. It no longer answers the social or health problems resulting from its consumption.

Even in the hypothesis in which we assume the shortcomings of the agreements and the presence of several voids in them, the problem today is related to its interpretation and application. For example, the International Narcotics Control Board, with its composition of jurists, undertakes the literal reading of these texts, preferring to understand them abstractly from the international developments accompanying the drug problem, and the blind application of the method of punishment instead of considering moral requirements and individual circumstances.

2. The integration of human rights rules within the international priorities of drug control

Legal feasibility and procedural utility represent two criteria for activating this international acceptability by matching drug control systems and human rights standards. it was achieved through three basic aspects namely: The international initiative to conduct a comprehensive assessment of what the various internal regulations achieved and did not achieve, and support this initiative by accelerating the wheel. The international movement reconsidered the system in force, and all this by making the employment of human rights in the fight against drugs the primary goal in the middle of all other considerations.

2.1. The importance of the International Assessment Initiative for Drug Control Systems

International applications and practice today pose serious problems regarding respect for human rights. Traditionally, the international community has been silent on crimes and violations of the two International Covenants on Human Rights of 1966, on the occasion of adhering to the promotion and

development of punitive regimes against drugs. Recently, concerning the regime of reducing the demand in which considerations of respecting the fundamental texts of the rights of persons have declined due to modesty and hesitation in activating programs for the protection of drug abusers and prevention (General Assembly, 1996; Barrett, D. 2018b).

In 1998, the United Nations General Assembly held a special session on “illicit drugs” and five (5) action plans were adopted to combat the phenomenon at the international level. The aim behind it was to enable one of the members of the United Nations to evaluate past efforts, actions, and programs, at that time, along with an estimate of the admissibility of the approved offer within the next 10 ten years.

The year 2008 came to culminate in the activation of the track of international discussion and evaluation of international policies in the field of drugs (The meeting of the open-ended intergovernmental working group of experts on drug demand reduction, 2008). It is the most participatory track in the international system on drugs to this day, but it is also attested to its quality and boldness, unlike the previous ones, in terms of trying to make changes in the curricula for the fight against drugs (The International Narcotics Control Board, 2008), whose premises were set out in two main documents: the Political Declaration and the Action Plan on International Cooperation towards an Integrated and Balanced Strategy to confront world drug problems. It officially resulted in the General Assembly Resolution No. 20/3 of 08/09/1998 (UNGAS, 1998) regarding the declaration on the guiding principles for drug demand reduction, in which it affirmed on behalf of the United Nations the level of suffering reached by States as a result of drug abuse and its impact on development at all levels. This requires preparation for a new international instrument that adopts new measures with a new vision, with the impact Declaration of an international commitment to strengthening international cooperation to improve the quality of drug control on the basis of principles called “guiding”, They are: a) adopting a balanced and supportive approach to reducing demand and reducing supply in an integrated manner to solve the drug problem, b) developing demand reduction policies on the basis of preventing drug use and reducing the negative consequences of drug abuse and allowing active participation and Coordination of individuals at the community level and encouragement, whether in general or in situations involving a particular risk, for example, according to the location of those individuals, their economic conditions, or the relative abundance of the addicted population, as well as taking into account cultures and gender, and contributing to create and

maintain an enabling and supportive environment. It is formulated according to the principles of the Charter of the United Nations and international law, in particular respect for the sovereignty and rights of states, the rights of man and his basic freedom (General Assembly, Decision, 1995), all taking into account the scientific progress in the enforcement of any drug control system.

Perhaps what draws attention in this Declaration is the emphasis on the participatory approach to assessing the drug problem in light of the evaluation of existing policies, which must take into account a collaborative intervention between “governments, NGOs, educators, employers, and youth organizations are to be integrated into Policies to combat the issue of social care and health improvement on a large scale, and the requirements of special needs by taking into account gender, cultural and educational differences are the most appropriate framework for the modernization of drug control conventions and not for their abrogation as they remain the cornerstone” according to the expression contained in the aforementioned General Assembly Resolution N° 20/3.

It is thus a focus on the new dimensions that were not previously considered due to the darkness of the world drug problem and with it the need to adapt the system and the requirements of the Convention on the Rights of the Child, the path followed by the International Labor Organization on managing drug-related issues in the workplace (Organization of international Labor, 1995), and the Convention of Discrimination in Employment and Employment Relevant to the question of Demand Reduction (Convention N° 111 of 1958).

The new proposition has emphasized the need to consider public health and human rights within the internal policies to reduce the risks of drugs to the extent of the demand that some countries accept regular consumption to reduce the negative effects of its use such as overdose, AIDS, or other diseases. This was justified by resorting that Uruguay and some US states and recently Canada joined them to legalize the possession of cannabis and its use in opposition to international agreements (Obradovic & Gandilhon, 2018; UNODC, 2020).

In another context, and as a result of these successive developments in the drug control system, an important group of countries such as Mexico, Guatemala, and Colombia rushed to demand the acceleration of the meeting of the special session to hold it between April 19 and 21, 2016 instead of waiting till 2019. It forced the United Nations to follow a new path at modern levels.

Indeed, since 2016, an alliance and equilibrium approach has emerged to reconcile the group of countries with a deterrent method that has not hesitated to defend the international texts in force in this field as the indispensable

cornerstone and between the group of countries with a flexible and preventive approach. Both of which are mediated by the idea of moderation and observance of human rights and health in General, as it is implemented through the evaluation process of the existing system, especially with regards to the benefit of the process of regulating markets in the field of drugs. Hence, it is not for the strict adherence to restraint and deterrence that obscured interest in the issues of health and human rights only, but it has also prompted international actors on the occasion of the special session to draft the final document on the formal integration of the concept of human rights protection within the policing (police and judicial) systems (General Assembly, 2016; UNODC, 2016).

Perhaps an important question about the authority of this new proposition is adopted in the final document which indicates the answer that: the ground of the United Nations devoted to reviving the human rights millennium played a major role in changing its view of the drug problem, especially the resolution of the General Assembly N° 144/53 on the declaration on the Right and Responsibility of individuals, groups, and organs of Society in the promotion and protection of universally recognized human rights and fundamental freedom adopted on March 8, 1999, and it was issued on the occasion of the 53rd ordinary session of the General Assembly, which clarifies the obligation of states to take legislative, judicial, administrative or other measures in light of the promotion of civil, political, economic, social and cultural rights. In Addition to the General Assembly Resolution N° 55/3 related to the United Nations Millennium Declaration dated 9/13/2000 at 55th session. (A/RES/55/2), and the 2030 Agenda for Sustainable Development formulated in General Assembly Resolution N° 70/1 adopted by the 193 countries on September 25, 2015, at the Sustainable Development Summit in New York.

Behind the background on which this document was also drafted, is the recognition of the principle of proportionality in the field of measures and penalties for combating drugs. For example, the gradual and diversification of punitive options, including alternatives to penalties that deprive of liberty, must be taken into consideration, as appropriate to the gravity of the crimes, and the promotion of alternative development policies. It is the first time in the history of United Nations reports in this field, an entire chapter devoted to a topic "Health" has been included, given the latter's dimensions and imposing challenges in the face of deterrence and the usual punishment resorted to, especially since it has become necessary to search behind a more flexible interpretation of the three main conventions on drug control.

2.2. The international movement to comply with international human rights rules

It is time to say that the new philosophy is calling for the system of “reduction of risks” (General Assembly, Resolution S-30-1, 2016) to consider it as a compromise that reconciles “health and punishment versus disease and deviance” and it is a dedication to the vision and utilitarian approach (pragmatic proposition) among them is the framing of health measures around reducing the risks and harms of drugs (injection materials, medical treatment, prison or imprisonment measures...etc. And to face the problem of drugs, all of this is being taken into consideration from the core of human rights, as it will be detailed later (General Assembly, resolution S-30-1, 2016). Finally, it is worth noting that the 2016 special session of the General Assembly marked the official launch of a series of discussions that will redefine the United Nations policy on drugs in early 2019.

The proposal came on the occasion of the 2016 special session to harmonize the drug control and human rights systems through a set of general principles that are considered more relevant to the process of assessing the risks and damages of this problem, which include:

- The principle of responsibility: It is the partnership of communication between the various groups, official and non-official bodies, as well as the parties concerned with the drug problem, which opens the way for a commitment to transparency and evaluation (General Assembly, resolution S-30-1, 2016; Naomi, B et al. 2017).
- Share: This is in the field of policy development, with the necessity of integrating the groups concerned with drug abuse as a key to the consolidation and embodiment of the total rights associated with them (WHO, 2008).
- Precautionary principle: It suggests harmonizing the assessment of the dangers caused by drugs based on human rights with legal texts considering that it is closely related to the right of the environment, the idea of anticipation and prevention of harm is the best application in the field of drug control, and this requires adopting forecast methods and giving more scientific measures to the drug control system.
- Non-discrimination: A principal at the core of the human rights system, both concerning negative or positive obligations, and their usefulness is that in drug control systems and programs, it is necessary to refrain from any positive discrimination against the criminal or the victim based on race, ethnicity, sexuality, or health status.

The 2018 Report of the International Narcotics Control Board made a recommendation to assist states in taking effective measures to address drug-related challenges while complying with international human rights standards and norms. For example, the report of the commission in 2011 had previously emphasized this more strongly when it called for “political leaders and public figures to have the courage to publicly disclose what they know among themselves, and the conclusive evidence proves the strategy being followed at present that will not solve the drug problem and that the war on drugs could not and will not be won”. Although some states criticized this approach as “misleading”, most of it had not been for used rhetorically. The politicians responded to the international body by asking governments to update their legislation on drug use, resorting to legal models that would undermine organized crime gangs, and provide health care and rights to drug addicts if a healthier and safer society is to be maintained (Gilmore. N,1996; Boister, N, 2002;)

In fact, it can be said that there is an “international movement for the compliance of the drug control regime with international human rights standards, and thus the concentration of the latter in the policies and systems of states by rearranging priorities. The reason for this is justified by three arguments: the first is related to the amount of money and funding spent in the field of deterrence and punishment against drugs. It involves countries that do not have a commendable outcome in the field of human rights. The second is related to the negative effects incurred by human rights when implementing the anti-drug regime, especially about imposing penalties and measures to maintain order and others, which is an examination included in the report of the rapporteur. The special case on the right of every person to enjoy the best possible state of physical and mental health, this is what was stated in a statement by the Office of the United Nations High Commissioner for Human Rights. The third and final argument is based on the association of the drug problem with the category of positive obligations arising from the right to the best possible state of health (UNHCHR, 2015; EU Parliament, 2015).

2.3. Employing legal tools for human rights in the internal systems of drug control

The three conventions related to the drug problem are considered “regulations of a disciplinary nature, and they are classified within the rules emanating from transnational criminal law, as described by Boister (2002).

On the other hand, human rights texts lack adequate deterrence and restraint (Barrett D., 2009a; Boister. N, 2002), as is the case of the two International Covenants on Civil and Political Rights, as well as the economic, social, and

cultural covenants of 1966, the Convention on the Rights of the Child, or the Convention on the Elimination of Forms of Discrimination against Women. It is true that the two systems are different at the international level and deal with social and economic problems differently and with different goals so that it is difficult to meet them at the national level, but this difference requires integration. For example: if drug control is for health purposes, this does not necessarily mean compatibility with the measures taken at follow-up.

However, on the contrary, integration represents the existence of a situation in which the two systems differ, and thus subject them to mutual support and reinforcement (Lines R. et al. 2017; ILC, 2006), for example, the approach in which the implementation of the right of access to essential medicines under international human rights law appeared, and access to essential medicines is placed under control within the framework of the international drug control system. This shows that the measures and procedures applied in the first situation support the second one, and the methods used can be shared including means of controlling them (Yanaguchie et al 2003).

We may find that the category concerned with the drug problem is the one that imposes this integration, as is the case with the protection provided for the child under the 1989 United Nations Convention. It is integrated within the procedure for detecting drugs in the school environment.

Norms or rules mean the set of principles and rules derived from the human rights system that states must give priority consideration to establish balanced systems which include in particular:

2.3.1. The right to health

This requires placing health services in a position of benefit to achieve a four-way rule: accessibility, acceptability, quality, and dedication what the Committee of Economic, Social and Cultural Rights calls the “DAAQ” Framework (CESCR, General Comment N° 14. n.d) as positive obligations by the state that combine the provision of the right to health care and the provision of treatment and medicines. It requires respect for the principle of gradualism, as it will improve health outcomes, which constitutes a framework for guiding countries to achieve their goals in prevention and treatment. For example, through this rule, it is possible to separate treatment centers for drug addicts from the category of adolescent children from adults, and men and women according to the rule of acceptability.

2.3.2. Proportionality

It is to achieve a balance between the requirements of the public interest of the group and the requirements of preserving the basic rights of the individual (MENAFATF, 2011). We know that the guarantee of rights stops at the behaviors prohibited by special measures under the law, and for a legitimate goal and social necessity. Therefore, the state's intervention must be taken with laws to address and control the drug problem in the light of measures that serve the three conditions, especially the idea of social necessity. Its means in this context are evaluation and re-examination, that is resorting to accurate or scientific means, such as testing to detect drug use or abuse in the school environment (Yanaguchie et al 2003), and even criminalizing possession for personal use except for Medical and scientific goals.

2.3.3. Punitive Institutions

This field is considered one of the most special and complex challenges. It is difficult for countries to be convinced of the necessity of achieving humanitarian and human rights considerations in prisons, and rehabilitation centers in exchange for what they face in the issue of funding and programs.

For example, it is not possible to justify placing a drug for a criminal in a penal institution according to health conditions lower than those found outside it, because the lesson is not his punishment, but rather the deterioration of his health. The structures must also be chosen according to the principle of equivalence between the criminal's health status and the institution, in which he is deposited to spend his sentence, which is different from the criminal punished for other ordinary crimes (MENAFATF, 2011). Perhaps the imminent danger in this context is that the offender who is placed in the penal institution is subject to continued consumption of narcotic substances inside it, or he is in contact that leads to the infection with serious diseases that move quickly in enclosed spaces (General Assembly, The resolution (A / RES / S-3/1), 2016), excessive doses, or suicide and other risks (MENAFATF, 2011). In this matter, the World Health Organization called on countries to consider it and warned about it in the field of providing the right to security inside prisons for the consuming group or trading in them.

2.3.4. Benefiting from funding through international cooperation and assistance programs

The final document of the 2016 General Assembly special session called for strengthening cooperation between the most affected countries by drug transit to increase technical assistance provided. It aims at developing local

coordination mechanisms and exchanging information while encouraging cooperation with private sector entities and financial institutions to benefit from additional programs.

In the same context, the United Nations Office of Drugs and Crime has identified several measures to achieve such an end. It starts from supporting programs in projects for tracking and monitoring drug risks and harms and assisting national policies to advance their programs. knowing that some people can sometimes reserve assistance whenever it is related to violations of human rights, as well as European efforts to assist countries in need of funding in exchange for persuading them to withdraw the death penalty for drug-related offenses.

More comprehensively, if we asked how to integrate human rights into the development and evaluation of the internal systems of states in the field of drugs, the answer was related to what was stated in the report of the 2003 United Nations Special Report on the right to health quoted by the Commissioner for Human Rights in his report on the use of indicators for the promotion and monitoring of the implementation of human rights (HR, 2008; Barrett, D. 2018b). In which tripartite formula is presented upon which this integration is based, and it is related to command with:

- A. Structural indicators included within the general legal and political framework: That is, there are no legal provisions on drugs without human rights obligations.
- B. Indicators on the course of measures taken by the state: Which allows evaluation of the measures and actions that have been taken.
- C. Indications about the achieved result: It is the extrapolation and examination of the results that embody the development in the field of human rights or the negative effects. It is possible to update the relevant program plans to suit them and to overcome the damages incurred at some stages.

Conclusion

As we have already mentioned, the international drug control system is not a stand-alone system that wraps around the totality of legal texts and international and national mechanisms. Rather, the specificity of the topic dealt with is required to be contained in a multi-level reality, which has made methods of confronting a global problem such as drugs. It had not been for the fact that the weakness of the methods and flexibility, with all the results that reflected

negatively the effectiveness of the system as a whole. The number of countries that joined the special drug agreements is no longer a sufficient criterion to ensure an adequate response to social and health problems, which revealed a significant void with the contradiction between its applications. These basic conventions and texts in the field of human rights motivate the international community with the necessity of taking the initiative to evaluate what is being applied and activated in the internal regulations, punitive or preventive. It is not only about the rejection of one approach at the expense of another for the benefit of using human rights standards, but rather the adoption of balance in compliance with those standards. This can only be achieved by spreading acceptance among states by adopting a new approach that takes into account the requirements of the public interest and the rights of the group and the rights of individuals alike, and this is the renewal and modernization of the drug control system.

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Abstract

The study aims to present a new approach that has developed the drug control system, and this by what is related to a multidimensional phenomenon with which it now obliges countries to replace their classic method based on coercion and punishment with a flexible and open method through the toolbox of human rights. And by exposing arguments on the effectiveness of the latter, the study managed to determine the relationship of international human rights law with the legal system devoted to drug control, which revealed the degree of disparity between them in terms of means and objectives, and also the modernization of the relevant national legislative policies while integrating the method of global evaluation in this system as provided by partnership and cooperation mechanisms through which has become an appropriate formula to achieve legal feasibility and procedural usefulness in drug control system.

Keywords

Inclusion-drugs-international assessment-non-discrimination-participation

مستخلص

تهدف الدراسة إلى طرح مقارنة جديدة طورت منظومة مكافحة المخدرات، وذلك لأن الأمر يتعلق بظاهرة متعددة الأبعاد أصبحت تفرض على الدول التحول عن منهجها الكلاسيكي الذي كان يقوم على الردع والعقاب واستبداله على نحو من ومتمفتح بأدوات حقوق الإنسان. ومن خلال تقديم حجج حول فعالية هذه الأخيرة توصلت الدراسة إلى تحديد علاقة القانون الدولي لحقوق الإنسان بالنظام القانوني المكرس لمكافحة المخدرات والتي أظهرت درجة التفاوت بينهما في الطرح والأهداف، وكذلك تحديث السياسات التشريعية الوطنية ذات الصلة بإدماج أسلوب التقييم الشامل في تلك المنظومة وفق ما تتيحه آليات الشراكة والتعاون والذي أصبح صيغة مناسبة لتحقيق الجدوى القانونية والمنفعة الإجرائية في نظام مكافحة المخدرات.

كلمات مفتاحية

إدماج-المخدرات- التقييم الدولي - عدم التمييز-المشارك

Résumé

L'étude vise à présenter une nouvelle approche qui a développé le système de lutte contre la drogue, et cela par ce qu'elle est liée à un phénomène multidimensionnel avec lequel il oblige désormais les pays à remplacer leur méthode classique fondée sur la coercition et la punition par une méthode flexible et ouverte via la boîte d'outils des droits de l'homme, et en exposant des arguments sur l'efficacité de cette dernière, l'étude est parvenue à déterminer la relation du droit international des droits de l'homme avec le système juridique consacré à la lutte contre la drogue, ce qui a dévoilé le degré de divergence entre eux en termes de moyens et objectifs, et aussi la modernisation des politiques législatives nationales pertinentes tout en intégrant la méthode d'évaluation globale dans ce système, telle qu'elle est fournie par les mécanismes de partenariat et de coopération par laquelle est devenu une formule appropriée pour atteindre la faisabilité juridique et l'utilité procédurale dans la lutte contre la drogue.

Mots-clés

Inclusion-drogues-évaluation internationale -non - discrimination -participation
