**Human rights challenges in addressing and countering all aspects of the world drug problem.**

***Report submitted by: Associazione Comunità Papa Giovanni XXIII (APG23)***

***NGO in Special Consultative Status***

*Geneva 19 May 2023*

The Associazione Comunità Papa Giovanni XXIII (APG23) is an International Lay Association of Pontifical Right with legal status accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. The Association is present in 40 countries on five continents. Its members, of different ages and states of life, share life directly with the poor and disadvantaged and are committed to removing the root causes of poverty and exclusion and to being voice of the voiceless through non-violent actions and means.

The Association runs hundreds of family homes all over the world. It runs also emergency shelters, open families, houses of fraternity, cooperatives and day-centres, therapeutic communities for drug users, centres for alcoholics. The Association carries out awareness raising campaigns, micro-credit schemes, services for persons with disabilities, Roma and Sinti, homeless, migrants, elderly, people infected and affected by HIV/AIDS, mothers in difficulty and women enslaved into prostitution. Furthermore, the Association has a nonviolent presence in both fronts in war zones to guarantee the respect of human rights and assist populations displaced by the war and carries out activities aimed at combating the trafficking of human beings and assisting its victims.

At the United Nations, APG23, through its international office based in Geneva, advocates at the Human Rights Council and other UN mechanisms and bodies.

Since its foundation in the 1970s, APG23 has focused its attention on drug use prevention and rehabilitation of drug users, basing its action on the promotion of all the fundamental dimensions of the human being - physical, psychological, social and spiritual, all aspects that should not be forgotten, undervalued or overlooked. The first therapeutic community was opened in 1980 and there are now 32 therapeutic communities in different countries worldwide: Albania, Argentina, Bolivia, Brazil, Chile, Croatia, and Italy. In the past 40 years, thousands of drug users have completed the rehabilitation programme.

Don Oreste Benzi, the founder of APG23, often stated that issues such as drug addiction, alcoholism, and many other forms of pathological dependence are, first and foremost, a consequence of problems in human relationships.

Using another expression, we could say that a drug user is a person “who seeks and demands love”. So, supporting the development of new skills in living and building relationships with others is the true educational response that would enable him/her to overcome pathological dependence.

Such a process of profound change is the necessary path toward healing. In our opinion, this process can be fostered either through the experience of living in therapeutic communities (a common form of long-term residential treatment for substance use disorders/pathological dependences) or through psychotherapeutic and educational support, or, even better, through the integration of these two types of interventions.

Based on the decades-long Italian experience of Therapeutic Communities for people with addictions, we want to emphasise how they constitute a model to be developed and applied in every country.

To the best of our knowledge, we believe that one of the main human rights challenges concerning the issue of pathological addiction is how society views, considers and treats people who experience/with addictions. In fact, it would be extremely important to push for a cultural, social and legal shift, from considering those who experience addiction as 'delinquents' to recognising that they are human beings suffering from an illness, also affected by personal and social issues.

Unfortunately, people experiencing drug addiction might often resort to illegal behaviour to obtain the money they need.

Undoubtedly, States have the right and the duty to respond to such behaviour also through the intervention of the police and the justice system. However, when the final goal is to combat and prevent the spread and trafficking of psychoactive substances, it is absolutely essential to sharpen and highlight the distinction between individuals who commit delinquent activity to obtain money and buy drugs for personal use, and those who instead actively traffic drugs, often at an international level, with the exclusive goal of making profits.

At the Italian level, the development of such a distinction started at the beginning of the 1970s with the enactment of legislation that decriminalises the sanction for those drug users who, due to their condition of dependence, commit the offence of dealing drugs in small quantities, i.e. in quantities configurable as personal use.

We believe this to be a fundamental step in the process of redefining the legislation regarding pathological dependence on substances: distinguishing between those who own or deal with small quantities of the psychoactive substance and those that with profit-purposes market, traffic and deal with significant amounts of that same substance.

Worldwide, there are still countries with national legislation that envisage the death penalty, or other absolutely disproportionate sentences, for people found in possession of drugs.

In particular, some countries in the Middle East and in East Asia, e.g., China, have not yet developed a legal culture that encompasses such a distinction. Dramatically, those found in possession of drugs are sentenced to disproportionate periods of criminal imprisonment and, in some cases, even to the death penalty, since they are regarded as individuals who create significant harm to society and who do not accept the conditions of common living, and as such should be marginalised if not eliminated.

We totally agree with the already ongoing initiatives to reach the objective of the abolition of the death penalty in general, but in particular for crimes related to substance abuse.

Another great challenge regards the topic of prevention. Prevention, with a broader meaning but especially when dealing with substance abuse, is crucial and should be granted and carried out throughout significant activities, in particular, related to youth.

Those who have dramatically fallen into a pathological dependence have the right and duty to be helped in their rehabilitation and in their full social reintegration. To take care of every human being, especially those in difficulty, should be the correct behaviour, inspired also by the Universal Declaration of Human Rights, towards which we should focus our attention. In the Western, European and North-American worlds and others, important steps have been made in this direction.

Moreover, we would like to underline that the right to health and rehabilitation must be the focus around which every initiative revolves, considering the human person in all its aspects, the physical, psychological, social and relational aspects, but surely also the deepest human aspect, the spiritual one.

Care of the latter should always take place in the absolute freedom of choice of individuals, while it is also crucial that it is not denied or repressed for ideological reasons.

Paradoxically, we observe that in some cases the protection of the right to privacy, envisaged by almost all national legislations, constitutes a problem in properly handling the distress situations we are discussing.

Due to the protection of privacy, in several Western countries, including Italy, we observe the fact that the network composed by the family and the friendship relationships of the person with pathological addiction is not involved and is substantially ignored.

Respect for privacy is an absolutely important value, but the fact that, in addition to a personal problem, there is/exists an uneasiness that involves the whole family cannot be ignored when dealing with these situations.

In this sense, a proper balance must be found between the protection and respect of personal data and privacy and the involvement of the family of origin or acquired family, who become victims of this situation and who should be involved in the care and rehabilitation paths.

Another critical element concerns the widespread use of substitution drugs that enable the person to efficiently face the pathway of detoxification from psychoactive substances and the control of craving. This practice is certainly an important step that international medicine and pharmacopoeia have taken in recent decades and, in this sense, access to such drugs must be guaranteed in every nation.

However, attention should be put on the risk of iatrogenic effects from drug usage in care intervention. An abuse, or heedless usage of such medicines, might create the conditions for further marginalisation and chronicization. Western Nations have been defined as “addictive societies”, where the support of medicines and psychoactive and chemical substances become normal, if not necessary, support tools to face everyday reality and handle one’s life. For these reasons, to plan to maintain people under the care of substitute medicines for their lifetime, instead of aiming for an integral rehabilitation of the individual, would be a grave methodological and perspective mistake.

We would like to strongly reiterate how this approach is unacceptable since any individual should find in his/her own human, physiological and spiritual resources the ability to manage their own life and develop the gifts that everyone has, following the intrinsic value of human dignity. Of course, specific necessities of persons with disabilities should be taken into consideration.

It seems clear that the usage of drugs should have a precise clinical objective and should happen under strict control to avoid the phenomenon of the “black market”, the illegal market of medicines used as narcotic drugs.

*Contact person:*

*Maria Mercedes Rossi, main representative of Associazione Comunità Papa Giovanni XXIII (APG23).*

*Address:150 route de Ferney,1218 Le Grand Saconnex, Geneva - Switzerland*

*Tel: +41 (0) 22 919 10 42, Mobile: +39 348 24 88 152, Email: mararossi@apg23.org - international@apg23.org*