*CONTRIBUTION TO THE RAPPORTEUR SPECIAL SUR LA CONSOMMARTION DES DROGUES*

1. *Reaffirms* the commitment made by the General Assembly to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies, to taking the steps necessary to implement the operational recommendations contained in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”, in close partnership with the United Nations and other intergovernmental organizations and civil society, and to sharing with the Commission on Narcotic Drugs timely information on progress made in the implementation of those recommendations, and also reaffirms the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem;

R/

In Burundi, the policy against drugs and narcotic plants has been implemented. Having regard to the Burundian penal code, especially on article 505, it states that “Substances or plants classified as narcotics in accordance with the provisions of this section are considered narcotics in application of the provisions of the ordinance of the Minister in charge of public health.

What is more, on article 506 of the same code, it stipulates that “The cultivation, sale, transport, possession and consumption of narcotics are prohibited except in the cases and conditions determined by the ordinance of the Minister in charge of public health.

The commitment of fighting drugs and narcotic plants is done through the joint venture between the government and the partners operating in that the sector of drugs and narcotic plant

1. *akes note* of the report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,2 and encourages States to consider the conclusions and recommendations contained therein;

R/ The joint commitment between the offices of the Unites High Commissioner for Human Right is a key to address the issue of the cultivation, sale, transport, possession and consumption of narcotic plants.

The World Drug Report 2022 aims not only to foster greater international cooperation to address the impact of the world drug problem on health, governance and security, but also, through its specific insights, to help Member States anticipate and address the threats of drug markets and mitigate their consequences.

Strong recommendations and suggestions on addressing cultivation, sale, transport, possession and consuming narcotics plants should be done. States should invest all their means to fight for drugs and narcotic plants as they are destroying the majority of the youth without forgetting the desperate people.

In Burundi, efforts have been made as on article 50 of the penal code, it is well indicated that “Anyone who has illegally produced, imported, manufactured or exported narcotics is punished with ten to fifteen years of penal servitude and a fine of up to one million Burundian francs. The penalties provided for in the first paragraph are doubled when the acts are committed by organized gang.

Though this article seems to be clear on the infraction of producing, importing, manufacturing or exporting narcotic plants and drugs, states should focus on regional defense against drugs and narcotic plants

1. *Also takes note of* the study of the Working Group on Arbitrary Detention relating to drug policies;3

R/ Detentions are considered arbitrary when they are unfair, discriminatory, or when an unfair rule has been applied.

This has been prevented in Burundi as the article 90 of the Code of Criminal Procedure outlines that “Freedom is the rule; detention is an exception”

1. *Calls upon* all States Members of the United Nations to consider alternative*s* to incarceration, conviction and punishment, where appropriate and in accordance with the three international drug control conventions, noting that, in appropriate cases of a minor nature, States may provide, as alternatives to conviction and punishment, measures such as education, rehabilitation and social integration, as well as, when the offender has a drug use disorder, treatment and aftercare, as well as support for recovery;

R/ It is deemed sustainable to find alternative solutions to incarceration when fronting incarceration, conviction and punishment because focusing only to the codes could not solve the issue of consuming drugs and antic plants.

Governments should think on it to find sustainable solutions in:

- supporting associations who choose to focused on fighting against drugs and narcotic plants,

-Reinforce the training sessions on different drugs and their harmful effects.

5. *Calls upon* States to mainstream a gender perspective into and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programmers, and to develop and disseminate gender-sensitive and age-appropriate measures that take into account the specific needs and circumstances faced by women and girls with regard to all aspects of the world drug problem, bearing in mind that targeted interventions that are based on the collection and analysis of data, including data disaggregated by age, gender and disability, can be particularly effective in meeting the specific needs of persons in vulnerable situations;

R/ The gender is considered at all level in Burundi as the constitution granted. In order to observe the gender and social inclusion perspective, the constitution granted 30% to women and 3 % to indigenous peoples

Having these percentage, it has been viewed that when all the social components are participating in resolving the public issue, the solution becomes sustainable.

6. *Also calls upon* States to adapt their drug policies to address the specific needs of women, including pregnant and postpartum women, children, young persons, older **A/HRC/RES/52/24** persons and members of groups in a situation of vulnerability, such as national or ethnic, religious or linguistic minorities, Indigenous Peoples, persons with disabilities and members of other affected communities;

R/ In Burundi, it is forbidden to train the youth in consuming drugs and nartic plants as the penal code on its article 509 paragraph 4 outlines that all persons who deliver narcotics, particularly to minors under the age of eighteen, the penalty of penal servitude is increased from ten to twenty years.

7. *Recalls* article 24 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, and that Indigenous individuals have the right to access, without discrimination, to all social and health services, and an equal right to the enjoyment of the highest attainable standard of physical and mental health, as well as article 18 of the said Declaration, which states that Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights;

R/ The article 24 of the United Nations of Declaration on the rights is applied in Burundi. Each national who wishes it can use traditional medicines provided that it is not harmful to the health of the community members. Liberal functions are welcome many small businesses are also using traditional medicines to gain their living

8. *Emphasizes* the important contribution that civil society and affected communities make to the development, implementation and evaluation of drug policies, including through advocacy and awareness-raising and the sharing of expertise and knowledge, and encourages States, United Nations agencies, funds and programmes, international and regional organizations, national human rights institutions and other relevant stakeholders in that regard to involve and engage meaningfully with civil society and affected communities in their efforts to address all aspects of the world drug problem;

R/In Burundi, there are organizations fighting against drugs and narcotics. As examples, the Burundi Association for a Mode of Peace without Drugs (ABMPD), Burundi Association of People that Used Drugs (BAPUD), Association JAMAA and the National Network of Drug Users (BuNPUD).

9. *Urges* States to adopt a systemic approach to preventing and eliminating racial discrimination at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes;

R/There is no racial discrimination in the matter of prevention and eliminating at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes.

10. *Requests* the Office of the High Commissioner to prepare a report, in consultation with States, the United Nations Office on Drugs and Crime and other relevant United Nations agencies, civil society and other relevant stakeholders, on human rights challenges in addressing and countering all aspects of the world drug problem, and to present it to the Human Rights Council at its fifty-fourth session, also in an accessible format, and also requests the Office of the High Commissioner to share the report with the Commission on Narcotic Drugs, the policymaking body of the United Nations with prime responsibility for drug control and other drug-related matters, through the appropriate channels;

R/The great solution should be to have a national focal point on drugs and nartics who will monitor and collaborate institutions and associations fighting against drugs and narcotics in the sense of producing a periodic report and submitting it to the special rapporteurs of the High Commissioner for the fight against drugs.

11. *Decides* to convene an intersessional panel discussion before its fifty-fifth session, in an accessible format, on human rights challenges in addressing and countering all aspects of the world drug problem, informed by the findings contained in the report prepared by the Office of the High Commissioner, to have a constructive and inclusive dialogue on this issue with relevant stakeholders, including the United Nations Office on Drugs and Crime and specialized United Nations agencies and civil society and affected populations, and with the participation of the Commission on Narcotic Drugs, and requests the Office of the High Commissioner to prepare a report, in consultation with the United Nations Office on Drugs and Crime, on the panel discussion in the form of a summary;

R/11 The panel should convene with the international Human Rights Institution on an intersessional panel discussion for an inclusive dialogue

12. *Encourages* the Office of the High Commissioner and relevant international human rights mechanisms to continue, within their respective mandates and through the appropriate channels with the Commission on Narcotic Drugs, their contribution to addressing the human rights implications of drug policies.

R/The National Commission for the Independence of Human Rights of Burundi encourages the Office of the High Commissioner for Human Rights on the following points:

- Continue to invest in national projects /programs in order to combat drug and narcotcs (especially by increasing capacity buildings, multiplying mechanisms and techniques for combating drug and narcotics …….)

- Control drug trafficking by setting up a drug and narcotics police without border(DNPWB)