

EDITORIAL

‘Deliver us from evil’? – The Single Convention on Narcotic Drugs, 50 years on

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This body of legislation rests (so far as it concerns drug trafficking offences) on a series of important premises: that the unlawful consumption of drugs...is a very grave, far-reaching and destructive social evil; that persistence of this evil depends on the availability of an adequate supply of drugs for consumption;...that the evil consequences of drug trafficking are such as properly to engage the sanctions and procedures of the criminal law.

Privy Council (Scotland), 2001¹

The first evil that we must deal with is that which exists as a consequence of the fact that the whole thing is the wrong way round.

Aneurin Bevan, MP, 1946²

This year marks the 50th anniversary of the Single Convention on Narcotics Drugs. Ratified in 1961, the Single Convention was the first of three United Nations treaties enshrining the international community’s approach to drug control.³

The original purpose of the Convention was a “Transfer to the United Nations of the powers

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¹ *HM Advocate v McIntosh (Robert) (No.1)*, Privy Council (Scotland), 5 February 2001, para. 4.

² House of Commons (30 April 1946) HC Deb, vol. 422 c 44.

³ Single Convention on Narcotic Drugs 1961 (as amended by the 1972 Protocol) (30 March 1961), UNTS vol. 520 no. 7515. [hereinafter ‘Single Convention’]; 1971 Convention on Psychotropic Substances (21 February 1971) UNTS vol. 1019 no. 14956. [hereinafter ‘1971 Convention’]; UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (20 December 1988) UNTS vol. 1582 no. 27627.

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exercised by the League of Nations in connexion with Narcotic Drugs',⁴ and the task given to the drafters by the UN General Assembly was to bring together the content of the pre-existing international drug control agreements established under the League of Nations into one single international instrument (hence the title, the Single Convention).⁵

In recent years there has been growing attention to the human rights implications of the international narcotics control regime among non-governmental organisations⁶ and UN human rights monitors.⁷ Human rights violations documented in the name of drug control in countries across the world include: the execution of hundreds of people annually for drug offences;⁸ the arbitrary detention of hundreds of thousands of people who use (or are accused of using) illicit drugs;⁹ the infliction of torture, or other forms of cruel, inhuman or degrading treatment, in the name of 'drug treatment';¹⁰ the extrajudicial killings of people suspected of being drug users or drug traffickers;¹¹ and the denial of potentially life saving health services for people who use drugs.¹²

While all of this work is significant, with some notable exception this emerging body of commentary has tended to focus on the documentation specific human rights violations linked to drug enforcement laws, policies and practices, rather than interrogating the drug conventions themselves, and the practices that emerge from their domestic implementation, from the perspective of international human rights law. Yet bringing such a human rights law perspective to the international drug control regime is a crucial exercise, both to promote consideration of international drug control law in the context of overall State obligations under the body of public international law as a whole, but also to further promote human rights-compliant implementation of the international drug conventions at the national level.

4 ECOSOC Official Records, No. 2, First Year Third Session (12 and 17 September 1946) p. 28.

5 The Single Convention was intended to replace the following agreements: International Opium Convention 23 Jan 1912 and subsequent protocols; Opium Agreement and Protocol and Final 11 Feb 1925; Convention, Protocol and Final Act 19 Feb 1925 and later protocol; Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs 13 July 1931; Opium Agreement and Final Act 27 Nov 1931; Convention for the Suppression of Illicit Traffic in Dangerous Drugs 26 June 1936; Protocol to bring under international control drugs outside the scope of the 1932 convention.

6 See, for example, the work of the Canadian HIV/AIDS Legal Network, Human Rights Watch, International Harm Reduction Association and Open Society Institute, among others.

7 See, for example, UN General Assembly, 'Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health' (6 August 2010) UN Doc. No. A/65/255.; Office of the High Commissioner for Human Rights, 'High Commissioner calls for focus on human rights and harm reduction in international drug policy', press release, 10 March 2009.; Human Rights Council, 'Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak' (14 January 2009) UN Doc. No. A/HRC/10/44.

8 Patrick Gallahue and Rick Lines, *Death Penalty for Drug Offences: Global Overview 2010*, International Harm Reduction Association, London, 2010.

9 Human Rights Watch, *Skin on the Cable: The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia*, Human Rights Watch, New York, 2010.; Roxanne Saucier, ed., *Treated with Cruelty: Abuses in the Name of Drug Rehabilitation*, Open Society Foundations, New York, 2011.

10 *ibid.*; Richard Elliott, Rick Lines and Rebecca Schleifer, *Treatment or torture? Applying international human rights standards to drug detention centers*, Open Society Foundations, New York, 2011.

11 Human Rights Watch, *Not Enough Graves: The War on Drugs, HIV/AIDS, and Violations of Human Rights*, Human Rights Watch, New York, June 2004.

12 UN General Assembly (n 8) pp. 16–18.

Humanitarian or stigmatising? - The preamble to the Single Convention

The Single Convention's drafting and entry into force predate the modern framework of international human rights treaty law, as enshrined in the eight core United Nations human rights conventions. However, this is not to suggest that the treaty itself, and its implementation by States Parties, does not engage human rights obligations and raise human rights concerns. Indeed, the history of international efforts to control narcotics has from the start been framed as a humanitarian mission, rather than strictly an exercise in law enforcement. However, these humanitarian ideals have far too often been superseded by policies and practices that have the opposite effect, therefore highlighting the conflict between drug control in principle and drug control in practice.

The human rights conflicts at the heart of the Single Convention, and indeed within the international narcotics control regime as a whole, are illustrated within the treaty's preambular section, which begins

The Parties,

Concerned with the health and welfare of mankind,

Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Here the preamble engages concepts central to modern discourse on economic, social and cultural rights. Despite the fact that the right to health was not enshrined in international law until the entry into force of the International Covenant on Economic, Social and Cultural Rights (under article 12) in 1976, the concept had been clearly articulated in the Constitution of the World Health Organization, drafted in 1946.¹³ The Single Convention's focus on 'the health and welfare of mankind' suggests that the treaty and its provisions are intended to advance, and be considered within, this broader context of the right to the highest attainable standard of health.

The Single Convention's reference to the 'health and welfare of mankind' is not an innovation, but rather is in keeping with the language found in the earlier drug treaties agreed under the auspices of the League of Nations, which had always viewed narcotics

¹³ Constitution of the World Health Organization (adopted by the International Health Conference New York 19–22 June 1946, signed on 22 July 1946, entered into force on 7 April 1948), Official Records of the World Health Organization, no. 2, p. 100, preamble.

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control as a noble enterprise. The preamble of the International Opium Convention of 1912, the very first international drug control treaty, describes 'the gradual suppression of the abuse of opium, morphine, and cocaine' and their derivatives as being a 'humanitarian endeavour'.¹⁴ The subsequent Convention of 1925 similarly describes international cooperation to control the trade in and use of narcotics as a 'humanitarian effort'.¹⁵ During the early drafting stages of the Single Convention in 1950, the UN Secretary-General specifically suggested that the new treaty highlight these same principles, asking that 'If it is decided that the new single convention should have a preamble it might refer...to the social and humanitarian motivation of international co-operation in the field'.¹⁶

A particularly extravagant articulation of this humanitarian instinct was expressed by the French delegate to the first session of the Commission on Narcotic Drugs held in Lake Success, New York in 1946.

Confucius, he said had advocated the establishment, under the name of the 'Great Union' of a vast association of peoples who 'would extend the conception of welfare not only to include all nationals, of which each State was inclined to cherish its own, but also all individuals without distinction.' Twenty-five centuries had passed. The 'Great Union' so earnestly desired by Confucius had been brought into being, not at Peking, but at Geneva and later at Lake Success and now its first care had been to fight the scourge of opium which afflicted above all the populations of the Far East. The dream of Confucius had thus become a reality.¹⁷

Just as this broader concern for humanitarian intervention did not start with the Single Convention, it also did not end there. The preamble to 1971 Convention on Psychotropic Substances, the second of the three UN drug control treaties, reaffirms the concern for the health and welfare of mankind, while also 'Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances'.¹⁸

The specific recognition in the Single Convention's preamble of the importance of the 'adequate provision' of medicines, and the need for States to 'ensure the availability of

¹⁴ International Opium Convention (23 January 1912) LNTS 29, 8 LNTS 187, p. 189, preamble.

¹⁵ International Convention, Adopted by the Second Opium Conference (League of Nations), and Protocol relating thereto. Signed at Geneva, February 19, 1925 [1928] LNTS 231, 81 LNTS 317, p. 321, preamble.

¹⁶ Economic and Social Council of the United Nations, 'Commentary on the Draft Single Convention: Note by the Secretary-General' (March 1950) UN Doc. No. E/CN.7/AC.3/4, p. 8.

¹⁷ 'Report to the Economic and Social Council on the First Session of the Commission on Narcotic Drugs held at Lake Success New York, from 27 November to 13 December 1946' (11 December 1946) UN Doc. No. E/C.S.7/55, p. 14.

¹⁸ 1971 Convention (n 3) preamble.

narcotic drugs' for the purpose of 'the relief of pain and suffering', further engages State obligations vis-à-vis the right to health. For example, the Committee on Economic, Social and Cultural Rights considers that the fulfilment of the right to health involves the provision a number of elements, including access to essential drugs.¹⁹ Indeed, the Committee includes such access among the Core Obligations of States under article 12.²⁰ The failure of States to provide access to medicines to alleviate pain and suffering has prompted critical comment from the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.²¹ Indeed, the recognition by the States Party to the Single Convention of the importance of ensuring access to medicines clearly engages the obligation 'to take positive measures that enable and assist individuals and communities to enjoy the right to health'.²²

However, whatever the intended appeal to a greater humanitarian mission expressed in the Single Convention's opening lines, such sentiments are immediately undermined, if not contradicted, by those that follow, which describe 'addiction to narcotic drugs' as a form of 'evil'.

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

Conscious of their duty to prevent and combat this evil,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

In the context of international treaty law, this wording is notable in that the Single Convention is the only United Nations treaty characterising the activity it seeks to regulate, control or prohibit as being 'evil'.

Conor Gearty's discussion of terrorism and human rights provides some useful insight in considering the use of such language. Says Gearty, "There are many things worryingly wrong about this perspective when viewed through a human rights lens. First, it reintroduces into international affairs the language of evil, when one of the primary achievements of the international legal order has been to remove such tendentious and highly inflammatory

19 UN Committee of Economic, Social and Cultural Rights, 'General Comment No. 14: The right to the highest attainable standard of health' (11 August 2000) UN Doc. No. E/C.12/2000, paras. 12(a), 17.

20 *ibid.*, para. 43(c).

21 UN Human Rights Council 'Report of the Special Rapporteur on torture and other cruel, inhuman to degrading treatment or punishment, Manfred Nowak' (14 January 2009) UN Doc. No. A/HRC/10/44, paras. 68—70.

22 UN Committee on Economic, Social and Cultural Rights (n 19) para. 37.

absolutist talk from the conduct of nation states.²³

Gearty continues:

In its clearest and most coherent form, this approach asserts that the danger facing our democracies and our culture of human rights is so great, so evil that we are entitled, indeed morally obliged, to fight back, and that in defending ourselves in this way it may well be that we ourselves have to commit evil acts, to commit harms that run counter to our fundamental principles, but that these actions are nevertheless justified, both as necessary (to save ourselves) and as less evil than what our opponents do.²⁴

Gearty's description of the negative human rights consequences of this language within the context of terrorism clearly resonate when examining efforts to control narcotics. However, without taking anything away from Prof Gearty's analysis, it is worth pointing out that in the context of narcotic drugs, the international legal order – rather than 'remov[ing] such tendentious and highly inflammatory absolutist talk' – actually *enshrines* the language of evil with the core international legal instruments.

Gearty is correct, however, in his recognition that the use of such language is highly unusual. Indeed, the unique nature of the use of the language of 'evil' in the Single Convention is particularly glaring when considered alongside that used in other treaties addressing issues that the international community considers abhorrent.

For example, neither slavery,²⁵ apartheid²⁶ nor torture²⁷ are described as being 'evil' in the relevant international conventions that prohibit them. Nuclear war is not described as being 'evil' in the treaty that seeks to limit the proliferation of atomic weapons, despite the recognition in the preamble that 'devastation that would be visited upon all mankind' by such a conflict.²⁸ The closest one finds to the language contained in the preamble to the Single Convention to describe drugs is that found in international instruments in the context of genocide. For example, in describing the crimes committed during the Second World War, the Universal Declaration of Human Rights uses the term 'barbarous acts',²⁹

23 Conor A. Gearty, 'Terrorism and Human Rights', *European Human Rights Law Review*, 2005, p. 3.

24 *ibid.*, p. 1.

25 Convention to Suppress the Slave Trade and Slavery (25 September 1926) 60 LNTS 253, Registered No. 141.

26 International Convention on the Suppression and Punishment of the Crime of Apartheid (30 November 1973) UNTS vol. 1015, no. 14861, pp. 243–248.

27 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984) UNTS vol. 1465, p. 85.

28 Treaty on the Non-Proliferation of Nuclear Weapons (25 May 1970) UNTS vol. 729, no. 10485, 1974, pp. 169–175.

29 Universal Declaration of Human Rights (10 December 1948) 217 A (III). [hereinafter 'UDHR']

while the Genocide Convention uses the term ‘odious scourge’³⁰

Interestingly, while the humanitarian instincts in the Single Convention’s preamble have their antecedents in earlier instruments, the menacing characterisation of drugs as ‘evil’ does not find expression in any earlier League of Nations treaty addressing narcotics control. Even the two United Nations protocols on narcotic drugs agreed in the years preceding the ratification of the Single Convention do not employ this type language.³¹

However, this is not to suggest that the conception of drugs as ‘evil’ was absent from the international discourse prior to 1961. On the contrary, as discussed in Susan Speaker’s review of anti-narcotic campaigns from 1920—1940,

During the 1920s and 1930s, newspaper and magazine accounts of the ‘narcotics problem’...consistently used the same stock images and ideas to construct an intensely fearful rhetoric about drugs. Authors routinely described drugs, users, and sellers as ‘evil’ and often implied that there was a sinister conspiracy at work to undermine American society and values through drug addiction.³²

Even this early anti-drugs language built ‘upon images of drugs and drug addicts already in use’, dating back as early as the 1870s descriptions of opium users. But ‘After about 1918, however, these negative images expanded enormously: drug use was increasing characterized...as a monstrous, immensely powerful, civilization-threatening evil, perhaps the worst menace in all history.’³³

The use of this language was not only found in the popular media of the time, but also in the medical literature. The respected British Medical Journal, for example, published many articles describing drugs, drug use or drug trafficking as being ‘evil’.³⁴ In 1909, an article in the American Journal of International Law described the ‘widespread evil’ of opium smoking.³⁵

Moving into the era of the United Nations, the first session of the UN Commission on

30 Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948) UN Doc. No. A/RES/260, preamble.

31 Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925, 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936 (11 December 1946); Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and use of Opium (23 June 1953).

32 Susan L. Speaker, “‘The Struggle of Mankind against its Deadliest Foe’: Themes of Counter-Subversion in Anti-Narcotics Campaigns, 1920—1940”, *Journal of Social History*, vol. 34, no. 3, spring 2001, 591—610, p. 591.

33 *ibid.*, p. 592.

34 See, for example, ‘The Traffic in Narcotic Drugs’, *The British Medical Journal*, vol. 2, no. 3283, 1 December 1923, p. 1053.; ‘The Opium Evil’, *The British Medical Journal*, vol. 2, no. 3328, 11 October 1924, p. 678.; ‘Control Of Dangerous Drugs’, *The British Medical Journal*, vol. 2, no. 3639, 4 October 1930, pp. 572—573.; ‘The Traffic in Narcotic Drugs’, *The British Medical Journal*, vol. 2, no. 3795, 30 September 1933, p. 618.

35 Hamilton Wright, ‘The International Opium Commission’, *American Journal of International Law*, vol. 3, no. 3, July 1909, 648—673, p. 670.

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Narcotic Drugs in 1946 was presented with a resolution of United States Congress that spoke of 'freeing the world of an age-old evil', noting that 'the only effective way to suppress the demoralizing use of opium and its derivatives (heroin, morphine, and so forth) was to control the source of the evil by limiting cultivation of the poppy plant'.³⁶ The third session of the Commission in 1948 went so far as to agree a resolution to the Economic and Social Council of the United Nations stating 'that narcotic drugs constituted, and may constitute in the future, a powerful instrument of the most hideous crime against mankind' and urging the Council to 'ensure that the use of narcotics as an instrument of committing a crime of this nature be covered by the proposed Convention on the prevention and punishment of genocide'.³⁷

In human rights terms, it is significant that the 'evil' activity described in the Single Convention's preamble is not that of the State (as in the case of slavery or nuclear war, for example) or agents acting on behalf of the State (as in the case of torture), but rather the behaviour of individuals, or a condition resulting from individual behaviour. The preamble clearly identifies that it is 'addiction' that constitutes both 'a serious evil' and 'a social and economic danger to mankind'. Yet whatever one's perspective of the cause(s) of 'addiction', it is by definition the individual circumstance of an individual person. A person is 'addicted' to a narcotic; not a system, a law, a policy, a society or a government. The 'evil' and the 'danger' is therefore inextricably linked to the person who is drug dependent, and perhaps by extension to those others involved in the production, transportation and sale of drugs.

At its core, then, it is individuals that are branded as 'evil' by the Single Convention, which certainly has relevance within a human rights context. For example, it is an interesting question whether such stigmatisation of vulnerable individuals and their behaviour is consistent with the Universal Declaration of Human Rights, which states in its preamble that 'the peoples of the United Nations have in the Charter reaffirmed their faith...in the dignity and worth of the human person'.³⁸ It is difficult to see how defining millions of persons worldwide as being evil is consistent with reaffirming the inherent dignity and worth of humankind. However, the more immediate question is what is the impact of such stigmatising language when is applied to individuals, and individual behaviour, by an international treaty that calls for 'co-ordinated and universal action' of States against this activity? This question is particularly relevant as, fifty years after the ratification of the Single Convention, the conception of drugs as a menace or an evil still pervades the

³⁶ UN Commission on Narcotic Drugs, 'Limitation of the Production of Raw Materials (Opium and Coca Leaf) used in the manufacture of narcotic drugs: Documents Transmitted by the Government of the United States of America' (26 November 1946) UN Doc. No. E/C.S.7/8, p. 6.

³⁷ UN Commission on Narcotic Drugs, 'Summary Records of the Third Session Lake Success New York, 3-22 May 1948' (16 February 1949) UN Doc. No. E/CN.7/155, p. 161.

³⁸ UDHR (n 29) preamble.

international discourse on narcotics control.

For example, the opening speech by the Executive Director of the UN Office of Drugs and Crime (UNODC) before the 50th session of Commission on Narcotic Drugs in 2007 told delegates, 'Let's recognize it. Evil minds are at work, looking for productivity improvements even in the deadly business of illicit drug making' and warned that 'We face another evil innovation: cannabis supply...influenced by bio-technologies'.³⁹ During the 52nd session of the Commission in 2009, the delegation of Kazakhstan expressed its 'appreciation' 'for the contribution UNODC has been making into fighting this evil phenomenon'.⁴⁰

This type of language has moved well beyond international narcotics control arenas such as the Commission on Narcotic Drugs, and has indeed become commonplace in national discourses on drugs and drug use. It can even be found in national High Courts, where people typically seek protection from abuses of human rights.

For example, drugs have been characterised as a 'social evil' by the Supreme Court of Singapore.⁴¹ Persons involved in the drug trade have been described as 'engineers of evil' and 'peddlers of death' by the former Chief Justice of the Malaysian Supreme Court.⁴² The House of Lords in Great Britain has characterised drug trafficking as a 'notorious social evil'⁴³ and the Irish High Court has described 'the growing evil associated with drug dealing'.⁴⁴ Even the European Court of Human Rights has talked of 'the scourge of drug trafficking'.⁴⁵

In a 2006 speech, the then Chief Justice of the Supreme Court of India stated that 'Drug abuse is a social evil...Just as any virus, use of drugs and drug trafficking knows no bonds or limitations. It spreads all over a country; from nation to nation; to the entire globe infecting every civilized society irrespective of caste, creed, culture and the geographical location'.⁴⁶

The presence of such 'tendentious and highly inflammatory absolutist talk', to use Gearty's phrase, within discourse of both UN bodies and domestic courts is not only worrying, it contributes to an environment in which human rights violations in the name of drug

39 Antonio Maria Costa, 'Speech by Antonio Maria Costa, Executive Director of UNODC, to the 50th Session of the Commission on Narcotic Drugs, Vienna', 12 March 2007.

40 Zhanat Suleimenov, 'Statement by Mr. Zhanat Suleimenov, Chairman of the Anti-Drugs Control Committee of the Ministry of Internal Affairs of Kazakhstan, at the high-level segment of the Fifty-Second Session of the UN Commission on Narcotic Drugs', 11 March 2009, p. 2.

41 *Ong Ah Chuan v. Public Prosecutor* [1981] AC 648, para 64.

42 Malaysia Chief Justice Azlan Shah, cited in Sidney L. Harring, 'Death, Drugs and Development: Malaysia's Mandatory Death Penalty for Traffickers and the International War on Drugs', *Columbia Journal of Transnational Law*, vol. 29, 1991, p. 380.

43 *R v Lambert (Steven)* [2001] UKHL 37; [2001] 3 WLR 206; [2001] 3 All ER 577, HL, para 156.

44 *Director of Public Prosecutions v Farrell* [2009], IEHC 368, para. 16.

45 *Phillips v United Kingdom* (5 July 2001), Application no 41087/98, para. 52.

46 YK Sabharwal, 'Keynote Address, National Seminar and Training Programme on Narcotic Drugs and Psychotropic Substances', 25 March 2006, New Delhi.

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control flourish around the world. Indeed, it can be argued that this rhetoric of 'evil' goes so far as to provide ideological justification for, and defense of, such abuses. As noted by Robin Room, it is this language of drugs as 'evil' that 'serves as a justification of the...Convention regime of control and coercion'.⁴⁷

Bridging the parallel universes of human rights and drug control

The most frequently recited Christian prayer in the world, the one that begins with an address to God as 'Our Father who art in heaven', ends with a petition fraught with meaning: 'Deliver us from evil.' This implies that there is an evil element in human nature from which God can free us, and we pray that he will do so. Human beings, as we know, have sometimes been tempted to take upon themselves this purifying role and we are well aware of the catastrophic results.⁴⁸

In describing the relationship between the international drug control regime and international human rights law, the former UN Special Rapporteur on the right to the highest attainable standard of health, Paul Hunt, noted that the two systems 'behave as though they exist in parallel universes'.⁴⁹ In the gap between these parallel universes, human rights violations in the name of drug control go unnoticed, and largely unquestioned. The International Journal on Human Rights and Drug Policy seeks to bridge that gap, and to bring much needed attention to an area of law that has escaped human rights scrutiny.

In his article, 'Targeted Killing of Drug Lords: Traffickers as Members of Armed Opposition Groups and/or Direct Participants in Hostilities', Patrick Gallahue examines US military policy in Afghanistan. He specifically analyses the targeted killing of drug traffickers with links to the Taliban by US forces. Gallahue argues that drug traffickers, even those who support the Taliban, are not legitimate targets according to the rules applicable to non-international armed conflict, and that the US policy violates international humanitarian law.

In '*Yong Vui Kong v. Public Prosecutor and the Mandatory Death Penalty for Drug Offences in Singapore: A Dead End for Constitutional Challenge?*', Yvonne McDermott examines the recent decision of the Singapore Court of Appeal in the case of *Yong Vui Kong*, in which the applicant challenged the constitutionality of the mandatory death penalty for drug offences. McDermott explores the application of the mandatory death penalty through the

47 Robin Room, 'Addiction Concepts and International Control', *The Social History of Alcohol and Drugs*, vol. 20, spring 2006, 276–289, p. 282.

48 Tzvetan Todorov, 'Memory as Remedy for Evil', *Journal of International Criminal Justice*, vol. 7(3), 2009, 447–462, p 447.

49 Paul Hunt, *Human Rights, Health and Harm Reduction: States' Amnesia and Parallel Universes*, International Harm Reduction Association, London, 2008, p. 9.

lens of both domestic and international law, and describes an environment in which the demonisation of drugs combined with the need of the State to exercise power and control undermine fundamental human rights protections. According to the author, 'It is difficult to avoid the conclusion that the significance of the mandatory death penalty resides not so much in its efficacy as a practical tool in the suppression of drug trafficking, as in its cultural and symbolic resonance.'

Continuing on the topic of the death penalty, in 'Litigating against the Death Penalty for Drug Offences', Saul Lehrfreund and Parvais Jabbar discuss their work mounting legal challenges to the mandatory death penalty in various Commonwealth countries around the world. Lehrfreund and Jabbar are co-founders and joint Executive Directors of The Death Penalty Project, based at Simons Muirhead & Burton solicitors in London, and are leading experts in the area of human rights and the death penalty. Their interview is of value to both human rights scholars as well as legal practitioners.

Much of the rhetoric surrounding drug control is premised on the need to prevent children from drug use. But what of the rights of children who are already using illegal drugs, and what do the relevant human rights and drug conventions have to say about adolescent drug use? These questions are addressed by Damon Barrett and Philip E. Veerman in 'Children who use Drugs: The Need for More Clarity on State Obligations in International Law', in which the authors bring forward recommendations to address current lacuna in the law.

In a personal reflection, Alison Crocket, the former UK representative to the United Kingdom's delegation to the United Nations in Vienna, discusses the efforts to place human rights on the agenda of the UN Commission on Narcotic Drugs. Crocket describes some of the systemic obstacles to addressing human rights issues within the context of the UN drug control regime, and offers ideas for future advocacy. Her conclusion that 'part of the work of those campaigning for humane and pragmatic drug policy is not just to advocate for progress, but also to prevent recession' offers a clear and compelling challenge for advocates.

Finally, Sandra Ka Hon Chu summarises the 2010 decision of the British Columbia Court of Appeal in the case of *PHS Community Services Society v. Canada*. In the judgement, the province's highest appellate court rejected an attempt by the federal government to shut down 'Insite', North America's only supervised injecting facility.

