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Agenda item 9 (d)

**Implementation of the international drug control
treaties: other matters arising from the international
drug control treaties**

Spain:* revised draft resolution

International cooperation in countering the covert administration of psychoactive substances related to sexual assault and other criminal acts

The Commission on Narcotic Drugs,

Reaffirming its resolution 52/8, on the use of pharmaceutical technology to counter drug-facilitated sexual assault, in which it urged Member States to adopt measures to address the emerging problem of the use of substances to facilitate sexual assault,

Recalling the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,¹ in which it was noted that trend analysis was essential to highlighting problems and that improved national capacity to collect data was needed to enhance the international community's responses to crime and illicit drugs,

Reaffirming the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, which provides for strengthening the capacity of Member States to implement victim assistance programmes for the most vulnerable segments of society, including women and children,

* On behalf of the States Members of the United Nations that are members of the European Union.

¹ Economic and Social Council resolution 2007/12, annex.



Noting that in 2003 the World Health Organization issued its *Guidelines for Medico-Legal Care for Victims of Sexual Violence*,² providing practical guidance for the assessment and detection of sexual violence, including drug-facilitated sexual assault, and for the treatment and care of victims of such violence,

Concerned that several countries have reported to the International Narcotics Control Board an increase in the non-medical use of psychotropic substances, in particular sedatives and tranquillizers, and expressed concern about the increased abuse of so-called “date-rape drugs”, which are in some cases administered by criminals to their intended victims before committing sexual assault or other types of crime,

Acknowledging that the International Narcotics Control Board, in its annual report for 2009, drew the attention of Governments to the increasing use of psychoactive substances to facilitate sexual assault and other crimes,³

Noting that the European Monitoring Centre for Drugs and Drug Addiction, in its 2008 report entitled “Sexual assaults facilitated by drugs or alcohol”, noted that the full scale of drug-facilitated sexual assault remained unknown and that better monitoring of drug-facilitated sexual assault was an essential first step in addressing the problem,

Recalling its resolution 52/8, in which it urged Member States to adopt measures to enhance public awareness and invited industries concerned to cooperate in developing formulations with safety features, such as dyes and flavourings, to alert potential victims to the contamination of their drinks, without affecting the bioavailability of the active ingredients in legitimate drugs,

Mindful of the concern about the use of psychoactive substances, whether under international control or not, such as central nervous system depressants, benzodiazepines, ketamine, *gamma*-hydroxybutyric acid (GHB) and, to a lesser extent, cannabis, cocaine, “ecstasy” and amphetamines, whether or not in association with alcohol, which may alter the victim’s degree of consciousness, state of awareness and judgement, as a means to facilitate sexual assault or other crimes,

Acknowledging that the International Narcotics Control Board, in its annual report for 2008, assessed the measures taken by Member States to control ketamine in accordance with Commission resolution 49/6, entitled “Listing of ketamine as a controlled substance”, and resolution 50/3, entitled “Responding to the threat posed by the abuse and diversion of ketamine”,⁴

Welcoming the fact that the World Health Organization has decided to carry out a critical review of ketamine and GHB and its precursors *gamma*-butyrolactone (GBL) and 1,4-butanediol,

Recognizing that it is important to invest in the capacity of forensic laboratories and the development of high-quality methodologies for analysing

² World Health Organization, *Guidelines for Medico-Legal Care for Victims of Sexual Violence* (Geneva, 2003).

³ *Report of the International Narcotics Control Board for 2009* (United Nations publication, Sales No. E.10.XI.1), paras. 260-268.

⁴ *Report of the International Narcotics Control Board for 2008* (United Nations publication, Sales No. E.09.XI.1), paras. 281-289.

sexual assault or other criminal acts in which the administration of psychoactive substances is suspected so as to understand the full magnitude and scope of the phenomenon and to respond to it, in terms of both the judicial system and preventive health care,

Recognizing the importance of integrating laboratories and providing scientific support to drug control frameworks and the importance of treating analytical data as a primary source of information worldwide, for example in early warning systems on new drug trends, in accordance with Commission resolution 50/4, entitled “Improving the quality and performance of drug analysis laboratories”,

Mindful of the need to provide victims of sexual assault or other criminal acts with adequate and professional assistance and to encourage victims to make use of such assistance,

1. *Urges* States to combat this new phenomenon of drug-facilitated sexual assault by taking steps to raise public awareness, in particular among the most vulnerable segments of society, health professionals and law enforcement agencies, of the *modi operandi* of the assailants and of the means of recourse available to the victims, as well as of the critical need for the victims to seek, as soon as possible, assistance and testing services, and encourages States to forward any relevant experiences, information and research findings to the International Narcotics Control Board and the United Nations Office on Drugs and Crime;

2. *Also urges* States that have not yet done so to establish awareness and sensitivity training programmes for, inter alia, social, medical and law enforcement professionals who assist victims, in order to ensure the provision of adequate and professional assistance, including targeted laboratory analysis for certain drugs suspected of being used to facilitate sexual assault (so-called “date rape” drugs);

3. *Urges* the relevant international organizations, including the International Narcotics Control Board, the United Nations Office on Drugs and Crime and the World Health Organization, to gather information and further analyse the phenomenon of drug-facilitated sexual assault or other criminal acts, with a view to developing common definitions and standards, in particular international guidelines for forensic analyses to identify the presence of psychoactive substances used in connection with sexual assault or other criminal acts, with due regard for States’ initiatives and legal provisions;

4. *Urges* States to consider making recommendations about formulations to the pharmaceutical industries concerned with a view to preventing the covert administration of medicines by alerting the potential victim and by making it more complicated for the assailant, without affecting the availability of the medicines or their active ingredients, and encourages Member States to exchange any relevant experiences and publicly available research findings;

5. *Invites* States and regional organizations to promote research into the administration of psychoactive substances for sexual assault or other criminal purposes with a view to measuring the extent of the phenomenon, ascertaining the *modi operandi* of assailants and identifying the psychoactive substances used, whether under international control or not;

6. *Draws* the attention of States to the possibility that national legislation or relevant guidelines may take into account aggravating circumstances in cases where psychoactive substances are covertly administered to commit sexual assault;

7. *Requests* the Secretary-General to report to it, at its fifty-fifth session, on the implementation of the present resolution.
