

WHO with all relevant information on trafficking in and abuse of ketamine in their countries.

259. The Board has started to publish, on a secure page of its website, information on the national requirements already in place in individual countries for authorizing the import and export of ketamine.

#### 4. Use of pharmaceutical products to facilitate sexual assault and other crimes

260. The Board welcomes the adoption by the Commission on Narcotic Drugs of resolution 52/8, in which the Commission urged Member States to adopt measures to address the emerging problem of the use of substances to facilitate sexual assault (“date rape”). The substances covered by that resolution include cannabis, a narcotic drug controlled under the 1961 Convention; substances such as alprazolam, clonazepam, diazepam, flunitrazepam, GHB, lorazepam, meprobamate, midazolam, phencyclidine, secobarbital, temazepam, triazolam and zolpidem, which are controlled under the 1971 Convention; and alcohol, 1,4-butanediol, *gamma*-butyrolactone (GBL), chloral hydrate, ketamine and scopolamine, substances not under international control. In addition, in its resolution 52/8, the Commission urged member States to enhance public awareness of that problem, to consider imposing stricter controls or taking other measures aimed at discouraging the use of such substances for the commission of drug-facilitated sexual assault, including with regard to those substances not under international control and to share, through bilateral, regional and international channels, information on emerging trends in the use of drugs to commit such offences. Moreover, the Commission invited the concerned industries to develop formulations with safety features, such as dyes and flavourings, to alert possible victims to the contamination of their drinks without affecting the bioavailability of the active ingredients in legitimate drugs.

261. The misuse of substances, regardless of whether they were illicitly manufactured or diverted from legitimate channels, for the commission of sexual assault or other crimes is not new. In particular, the benzodiazepines, many of which are controlled under the 1971 Convention, have a history of such misuse that is well documented in scientific and legal literature. They have been used with criminal intent to

weaken the resistance of individuals, for example to exploit their property or body with their apparent consent, without them having the slightest recollection afterwards of what happened. Unwanted behaviour induced by the unknowing consumption of benzodiazepines includes revealing credit card information, making purchases in a number of shops and signing cheques or charging credit cards, giving away a motor vehicle (together with the key and vehicle registration papers) and perceiving being raped as a pleasurable experience. The drug doses involved in such criminal activities are higher than those used for therapeutic purposes, and food or drinks are used to disguise the drugs, which are often consumed in combination with alcohol. Such crimes may be committed not only in places such as bars, restaurants, nightclubs and airports, but also in private surroundings, for example, at a friend’s house.

262. Of the benzodiazepines, flunitrazepam was once so commonly misused for the commitment of sexual assault that it was called the “date-rape drug”. Flunitrazepam was first included in Schedule IV of the 1971 Convention in 1984 but was transferred to Schedule III of the Convention in 1995; after that, its diversion from international trade<sup>34</sup> was successfully stopped. However, the diversion of flunitrazepam from domestic distribution channels continued in the 1990s. Concerted action by Governments of all major manufacturers and importers of the substance, in close cooperation with the pharmaceutical industry, has proved effective: reports of seizures of diverted flunitrazepam have decreased significantly since 2004.<sup>35</sup> The measures taken by industry to stop the misuse of flunitrazepam to commit sexual assault include: termination of the worldwide manufacture and distribution of high-dosage tablets; development and marketing of a new small dosage tablet; and inclusion of a dye in the core and surface of the new tablet to make it easily detectable in liquid and to prolong its dissolution time.

263. Despite the above-mentioned successes, the misuse of a number of substances for the commitment of sexual assault and other crimes continues in many

<sup>34</sup> Flunitrazepam was diverted mainly for abuse by heroin addicts. Only a small portion of the flunitrazepam diverted was misused to commit sexual assault.

<sup>35</sup> *Report of the International Narcotics Control Board for 2005 ...*, paras. 37-39.

countries. Criminals tend to use other substances to facilitate the commission of their offences, among them, GHB, a substance that is not yet fully under national control in all countries in spite of the fact that it was put under international control in 2001. Criminals also tend to use substances currently not under international control, such as ketamine, 1,4-butanediol and GBL, since they are easily available in legitimate channels. Drug traffickers obtain the substances in question through Internet pharmacies and the mail system, or from illicit manufacture.

264. The Board urges all Governments to implement Commission on Narcotic Drugs resolution 52/8 as soon as possible to address the emerging trend of using a variety of substances to facilitate the commission of criminal offences. Most importantly, the Board encourages Governments to make the general public (and, where appropriate, vulnerable segments of the population in their territories) aware of the fact that food or drink left unattended might be contaminated with certain substances to facilitate the commission of other crimes, such as sexual assault.

265. Governments should alert law enforcement agencies and the judiciary to such practices, to enable them to take appropriate countermeasures, wherever possible under the national legislation. In many countries, the use of substances to facilitate the commission of crime does not constitute a criminal offence and therefore cannot be properly sanctioned. The Board encourages all Governments that are already affected by the misuse of substances for such purposes to take all steps necessary to adopt or amend national legislation as soon as possible to deal with that problem.

266. The Board wishes to remind all Governments of the need to ensure that all control measures required under the international drug control treaties, such as the requirement of prescriptions and the system of inspection of operators, are strictly applied to the substances under international control in order to prevent those substances from being used with criminal intent. The Board encourages Governments to consider, pursuant to Commission on Narcotic Drugs resolution 52/8, imposing stricter controls than those currently foreseen under the international drug control treaties, where necessary, to prevent the diversion of substances from domestic distribution channels for the purpose of committing a crime. As an example, since

ketamine is one of the substances most often used for the commission of crime, Governments should consider controlling ketamine by placing it on the list of substances controlled under their national legislation if the situation in their territories so requires.

267. The cooperation of industry has been extremely important in limiting the misuse of licitly manufactured flunitrazepam as a “date-rape drug”. The Board calls on the pharmaceutical industry and the chemical industry to assist in addressing the emerging misuse of other substances with the intent of committing a crime and to consider appropriate countermeasures. The Board encourages Governments to ensure that all manufacturing and trading companies in their territories that trade in the above-mentioned substances are made aware that those substances might be used to facilitate the commission of crimes. The Board also encourages Governments to solicit the support of the companies in question in dealing with that problem.

268. There is no systematic way of collecting information on such offences at the national and international levels, as those offences are often not dealt with in national legislation and such activities are often not covered in drug abuse surveys. The extent of the problem is therefore not known. The Board calls on all Governments to share with other Governments and international bodies, including the Board, any information they might have on new trends in the misuse of substances to commit sexual assault or other offences, as the international community needs to have a more thorough understanding of the extent of the problem so that it may decide whether any additional measures should be taken to prevent such misuse.

### **5. Illegal Internet pharmacies**

269. The Guidelines for Governments on Preventing the Illegal Sale of Internationally Controlled Substances through the Internet,<sup>36</sup> developed by the Board, were launched in March 2009, during the fifty-second session of the Commission on Narcotic Drugs. The Guidelines were then sent to the competent authorities of all countries. The Board hopes that the Guidelines will help each Government to identify the control measures most appropriate for its country. Some of the recommendations will need to be

<sup>36</sup> United Nations publication, Sales No. E.09.XI.6.

**mechanisms applied to the distribution of buprenorphine in their territory, with a view to preventing illicit activities.**

*Recommendation 24:* The use of methylphenidate, a stimulant in Schedule II of the 1971 Convention, for medical purposes continues to increase, as more and more countries are using the substance for such purposes. The diversion and abuse of preparations containing methylphenidate have been noted, in particular in countries with a high level of consumption of methylphenidate. **The Board calls upon the Governments concerned to ensure that the control measures foreseen by the 1971 Convention are fully applied to methylphenidate and to take additional measures to prevent both the diversion from licit distribution channels and the abuse of preparations containing that substance.**

*Recommendation 25:* Some countries in Central America lack forensic expertise in analysing the composition of seized pharmaceuticals, including those containing substances under international control. **The Board invites countries in the Americas with advanced forensic capabilities to provide assistance to partner countries within the framework of regional agreements to combat drug trafficking and abuse, in order to improve the forensic capabilities of those other countries (see also recommendations 46 and 50 below).**

*Recommendation 26:* The Commission on Narcotic Drugs, in its resolution 52/8, on the use of pharmaceutical technology to counter drug-facilitated sexual assault, urged Member States to take measures to address the emerging problem of the use of psychoactive substances to facilitate the commission of sexual assault. The substances covered by that resolution include internationally controlled narcotic drugs and psychotropic substances and substances not under international control. **The Board calls upon Governments to implement Commission resolution 52/8 as soon as possible. The Board encourages Governments to alert vulnerable segments of their population to that problem, to share information on the subject with law enforcement agencies and the judiciary and to solicit the support of the industry.**

*Recommendation 27:* The Commission on Narcotic Drugs, in its resolution 51/13, on responding to the threat posed by the distribution of internationally

controlled drugs on the unregulated market, requested Member States to continue to offer to affected States cooperation and support in dealing with the problem and encouraged affected States to consider adopting measures to enable the swift detection of new forms of illicit distribution of internationally controlled drugs. **The Board calls upon Governments to implement Commission resolution 51/13 without delay. In that regard, the Board encourages Governments to consider providing training and introducing the use of technology by customs authorities to identify counterfeit medicaments.**

*Recommendation 28:* Traffickers continue to smuggle opium poppy seeds from countries where the cultivation of opium poppy is prohibited. The Economic and Social Council in its resolution 1999/32, on the international regulation and control of trade in poppy seeds, called upon Member States to take measures to fight such international trade in poppy seeds from countries in which no licit cultivation of opium poppy is permitted. **The Board calls upon the Governments of countries that permit the importation of poppy seeds to implement the provisions of Council resolution 1999/32 and to require a certificate from the country of origin of the seeds as the basis for importation.**

*Recommendation 29:* A number of Governments have reported an increase in the illicit cultivation of cannabis plants, especially indoor cultivation. The increasing availability of cannabis seeds, in particular over the Internet, is contributing to that development. Related sale sites and advertisement obviously incite illicit cultivation of cannabis plants. The Board notes that article 3, paragraph 1 (c) (iii), of the 1988 Convention requires States parties to establish as a criminal offence, inter alia, public incitement or inducement of others to engage in the illicit cultivation of the cannabis plant or to use cannabis illicitly. **The Board calls upon Governments to apply the relevant provisions of the 1988 Convention and to take appropriate measures against the sale of cannabis seeds for illicit purposes, including through the Internet.**

*Recommendation 30:* Herbal mixtures sold under the name "Spice" have recently been the focus of attention of health authorities and drug regulators in many countries. The identification of synthetic cannabinoids in some of those herbal mixtures has raised concern