

Human Rights and Drug Control:
Access to Controlled Essential Medicines in
Resource-Constrained Countries

Marie Elske Gispen



Cambridge – Antwerp – Portland

Intersentia Ltd
Sheraton House | Castle Park
Cambridge | CB3 0AX | United Kingdom
Tel.: +44 1223 370 170 | Fax: +44 1223 370 169
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

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To my grandfather David de Wied (1925-2004)

Whilst interning at the Essential Medicines and Pharmaceutical Products Department of the World Health Organization in 2010, Hans Hogerzeil and Richard Laing inspired me to work on essential medicines. Returning to the Netherlands with a strong interest in health and human rights matters, it was eventually Adriaan van Es and his team at the International Federation for Health and Human Rights Organizations who introduced me to the pressing issue of the unavailability of *controlled* medicines. I am grateful for them to – perhaps without realizing – shape my academic interest. The confrontation with the large human suffering involved in the unavailability of controlled medicines and the apparent inconsistencies in law to improve their medical availability and use inspired me to eventually carry out the present study.

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LIST OF ABBREVIATIONS

AAAQ	Availability Accessibility Acceptability Quality
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Convention on the Rights and Welfare of the Child
AIDS	Acquired Immune Deficiency Syndrome
APCA	African Palliative Care Association
ATOME	Access To Opioid Medication in Europe project
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CFREU	Charter on the Fundamental Rights of the European Union
CIDT	Cruel, Inhuman and Degrading Treatment
CND	Commission on Narcotic Drugs
CP	Civil and Political
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECOSOC	Economic and Social Council
ECtHR	European Court of Human Rights and Fundamental Freedoms
DNA	Deoxyribonucleic Acid
EMA	European Medicine Agency
ESC	Economic, Social and Cultural
EU	European Union
GP	General Practitioner
HAU	Hospice Africa Uganda
HDI	Human Development Index
HICs	High Income Countries
HIV	Human Immunodeficiency Virus
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

List of Abbreviations

ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
INCB	International Narcotics Control Board
ILC	International Law Commission
JMS	Joint Medical Store (Uganda)
LCHR	Latvian Centre on Human Rights
LMICs	Low and Middle Income Countries
MDGs	Millennium Development Goals
NDA	National Drug Authority (Uganda)
NHI	National Health Inspectorate (Latvia)
NHS	National Health Service (Latvia)
NMS	National Medical Store (Uganda)
PCAU	Palliative Care Association of Uganda
PGC	Principle of Generic Consistency
RESC	Revised European Social Charter
SAM	State Agency of Medicines (Latvia)
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNGA	United Nations General Assembly
UNGASS	United Nations General Assembly Special Session
UNODC	United Nations Office on Drugs and Crime
USSR	Union of Soviet Socialist Republics
VCLT	Vienna Convention on the Law of Treaties
VDPA	Vienna Declaration and Programme of Action
WHA	World Health Assembly
WHO	World Health Organization

TABLE OF INSTRUMENTS

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- Statute of the International Court of Justice (adopted 26 June 1945, entered into force 24 October 1945) 33 UNTS 993.
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- Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III).
- Single Convention on Narcotic Drugs (adopted 30 March 1961, entered into force 13 December 1964, as amended in 1972) 520 UNTS 151.
- International Convention on the Elimination of All Forms of Racial Discrimination (adopted 7 March 1966, entered into force 4 January 1969) 660 UNTS 195.
- International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (adopted 10 December 2008, entered into force 5 May 2013) UN Doc A/RES/63/118.
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- Optional Protocol to the International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331.
- Convention on Psychotropic Substances (adopted 21 February 1971, entered into force 16 August 1976) 1901 UNTS 175.
- Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85.
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- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3.

- Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.
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- Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (adopted 13 December 2006, entered into force 3 May 2008) UN Doc A/RES/61/106.
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- American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123.
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (adopted 17 November 1988, entered into force 16 November 1999) OASTS 69.
- Inter-American Convention to Prevent and Punish Torture (adopted 9 December 1985, entered into force 28 February 1987) OASTS 67.

Europe

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- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (adopted 26 November 1987, entered into force 1 February 1989) ETS 126.
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