

# Human rights in drug policy (II): due diligence & herbal drugs

*Human Rights challenges related to Drug Policy: Second Contribution to the upcoming report (pursuant to HRC resolution 54/22).*

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## Introduction

Human rights, the environment, and biological diversity

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Drug policies –in particular those affecting “drugs” that are plants, fungi, or plant- or fungi-based preparations– run the risk of developing in a normative vacuum, disregarding legal dispositions which either relate to the living organisms directly, to humans which have traditionally cultivated and used these living organisms, or to ecosystems of which both the natural drug and the human species are part of.

Recently, this has been exemplified by the work of the International Narcotics Control Board (INCB), a treaty body to the international drug control conventions. Its attempt to issue “cannabis guidelines” has raised important concerns,<sup>1</sup> insofar the leaked drafts of the project showed that the total ignorance of international legal dispositions relating to human rights, plants, and the environment, translated into guidelines’ recommendations to Member States to establish policies which would have violated international Human Rights law, and other rights-protecting instruments such as the farmers’ rights (as contained in FAO’s Plant Treaty) or the rights of indigenous peoples and local communities to be protected from biopiracy and misappropriation of their traditional knowledge and cultural expressions.

This contribution is inspired by the *Voluntary Contribution*<sup>2</sup> sent to the INCB in 2021 in relation to its “cannabis guidelines.” Note, however, that the elements outlined are applicable not only to cannabis but also other internationally-controlled traditional living organisms, such as coca, poppy, peyotl, san pedro, psilocybes, etc.

See also the 1<sup>st</sup> contribution: [Human rights in drug policy \(I\): more than an added value.](#)

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<sup>1</sup> See INCB monitor, documenting the “cannabis guidelines”, available at: [kenzi.zemou.li/incb-monitor](https://kenzi.zemou.li/incb-monitor)

<sup>2</sup> This contribution is an excerpt from the *Voluntary contribution to INCB Cannabis Guidelines – due diligence, good faith, & technical concerns* (FAAAT editions, 2021) available online at: [researchgate.net/publication/349572996](https://researchgate.net/publication/349572996)

## *Introduction*

**INCB seems to be developing its Guidelines in a vacuum** –contrary to the United Nations Office on Drugs & Crime (UNODC)’s Human Rights recommendations.<sup>3</sup> This could therefore lead States to, if not direct them towards, breaching their obligations under international human rights law (IHRL). **There are many human rights that can be hindered by wrongful or poorly advised drug control policies.**<sup>4,5</sup>

In the case of **the millenia-old medicinal plant *Cannabis sativa***, a series of supplementary rights are at stake –individual, collective, and nation-wide rights. The most specific and emblematic case is possibly that of indigenous peoples, who have been using *Cannabis* as part of their traditional pharmacopoeia –as **the INCB recognized two decades ago: “Cannabis has been used in traditional medicine in some countries for centuries.”**<sup>6</sup>

INCB should exercise due diligence with regards to a number of areas of international law that correlate directly to the international trade in *Cannabis* for medical and scientific purposes. UNODC suggests to assess inter-governmental organisations (IGOs)’ programs in liaison with the Office of the High Commissioner for Human Rights (OHCHR),<sup>7</sup> but the INCB should also seek insights from a number of other IGOs dealing with the issues at stake.

## *Human rights, the environment, and biological diversity*

As early as 1972, the Stockholm Declaration linked the environment to human rights:

“The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world [...]. Both aspects of [human]’s environment, the natural and the [human]-made, are **essential to his well-being and to the enjoyment of basic human rights** –even the right to life itself.”<sup>8</sup>

The human rights obligations (including non-discrimination obligations) relating to “the enjoyment of a safe, clean, healthy and sustainable environment,” have been addressed by the Human Rights Council (HRC) on several occasions.<sup>9,10</sup> Resolution 37/8 recognizes that:

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<sup>3</sup> “No treaty, however special its subject-matter, applies in a normative vacuum, as both general international law (including customary international law) and particular concurrent international obligations affect its interpretation and application” See §9 in: UNODC. (2010). “Whilst the maintenance of effective working relationships with government counterparts is important, technical assistance cannot be delivered in a vacuum that is divorced from the wider human rights and rule of law context. Protection of human rights need not involve public denunciation of abuses. Rather, through constructive and open dialogue with government counterparts, human rights protection may be achieved alongside the delivery of technical assistance. **Indeed, effective support for the rule of law requires both the willingness to partner and the willingness to be clear and bold on international human rights law and standards. From a practical perspective, human rights protection issues are most usually to be addressed in coordination with OHCHR and the UN Resident Coordinator system.**” in: UNODC. (2012).

<sup>4</sup> United Nations Development Programme. (2019). *International Guidelines on Human Rights and Drug Policy*. [www.humanrights-drugpolicy.org](http://www.humanrights-drugpolicy.org)

<sup>5</sup> See also Table 1, in the First Contribution sent to OHCHR: *Human rights in drug policy: more than an added value; Human Rights challenges related to Drug Policy: First Contribution to the upcoming report (pursuant to HRC resolution 54/22)*.

<sup>6</sup> See §208, p.34, in: INCB. (2002). *Report of the International Narcotics Control Board for 2001 (E/INCB/2001/1)*. [www.incb.org/documents/Publications/AnnualReports/AR2001/AR\\_01\\_English.pdf](http://www.incb.org/documents/Publications/AnnualReports/AR2001/AR_01_English.pdf)

<sup>7</sup> UNODC. (2012).

<sup>8</sup> UN. (1973). *Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972*. [undocs.org/en/A/CONF.48/14/Rev.1](http://undocs.org/en/A/CONF.48/14/Rev.1)

<sup>9</sup> See resolutions [7/23](#), [10/4](#), [16/11](#), [18/22](#), [19/10](#), [28/11](#), [31/8](#), [34/20](#), [37/8](#), [40/11](#) (non-exhaustive).

<sup>10</sup> Former Special Rapporteur John Knox expressed more clearly that “the full enjoyment of human rights [...] depends on biodiversity, and the degradation and loss of biodiversity undermine the ability of human beings to enjoy their human rights.” See: Human Rights Council. (2017). *Report of the Special Rapporteur on the issue of*

“unsustainable management and use of natural resources, [...] loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights”<sup>11</sup>

A series of normative instruments relevant to *Cannabis* appeared after the 1992 Rio Earth Conference, strengthening this approach, in particular in what relates to biodiversity. The **Convention on Biological Diversity** and its **Nagoya Protocol on Access and Benefit-sharing of genetic resources** (respectively 193 and 129 States Parties as of February 2021) are good examples of international dispositions on environmental rights directly related to *Cannabis*.

The World Intellectual Property Organization (WIPO) recalls that “traditional medical knowledge, such as the medicinal use of herbs, is often associated with genetic resources [...] subject to access and benefit-sharing regulations under international agreements.”<sup>12</sup> In addition, “some genetic resources are linked to traditional knowledge and traditional practices **through their use and conservation by indigenous peoples and local communities, often over generations.**”<sup>13</sup>

In this respect, another relevant instrument is the Food and Agriculture Organization of the UN (FAO)’s **International Treaty on Plant Genetic Resources for Food and Agriculture** (or “**Plant Treaty**,” 148 State Parties early 2021) that recognizes “farmers’ rights.”<sup>14</sup> **Local communities, farmers, peasants, and indigenous peoples have used, conserved, bred, maintained, and preserved the biological diversity of Cannabis plants within local ecosystems, over generations. This entails rights:** not only to continue preservation but also to moral recognition and to avoid misappropriation of genetic resources protected by and for these communities. This also entails protection from drug control-led eradication programmes.<sup>15</sup>

The Nagoya Protocol includes in its Article 4(3) a call for due diligence, stating that the Protocol “shall be implemented in a **mutually supportive manner with other international instruments**,” and calling on IGOs to be “supportive of and do not run counter to the objectives of the Convention and this Protocol.”<sup>16</sup>

Plant Treaty and Nagoya Protocol echo the **World Summit outcome** (General Assembly Resolution 60/1)<sup>17</sup> which called “upon all parts of the United Nations to promote human rights and fundamental freedoms in accordance with their mandates” (§119), supporting “the further **mainstreaming of human rights throughout the United Nations system**” (§126),

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*human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment* (A/HRC/34/49). [undocs.org/A/HRC/34/49](https://undocs.org/A/HRC/34/49)

<sup>11</sup> UN Human Rights Council. (2018). *Human rights and the environment : resolution adopted by the Human Rights Council on 22 March 2018 at its 37th session* (A/HRC/RES/37/8).

[ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/37/8](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/8)

<sup>12</sup> WIPO. (2015a). *Intellectual Property and Traditional Medical Knowledge* (Background Brief No. 6).

[www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_tk\\_6.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_tk_6.pdf)

<sup>13</sup> WIPO. (2019). *Intellectual Property and Genetic Resources* (Background Brief No. 10).

[www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_tk\\_10.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_tk_10.pdf)

<sup>14</sup> The Treaty’s Article 9 recognizes “the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.” Food and Agriculture Organization of the UN. (2009).

*International Treaty on Plant Genetic Resources for Food and Agriculture*. [www.fao.org/3/a-i0510e.pdf](https://www.fao.org/3/a-i0510e.pdf)

<sup>15</sup> See for example the concerns expressed by the Committee on Economic, Social and Cultural Rights about the use of “aerial spraying of cannabis crops to control the illicit cultivation of cannabis” p.12 in: CESCR. (2018).

*Concluding observations on the initial report of South Africa*. <https://undocs.org/E/C.12/ZAF/CO/1>

<sup>16</sup> Secretariat of the Convention on Biological Diversity. (2011). *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity : text and annex*. Montreal: Secretariat of the Convention on Biological Diversity.

[www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf](https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf)

<sup>17</sup> UNGA. (2005). *Resolution 60/1*. [undocs.org/A/RES/60/1](https://undocs.org/A/RES/60/1)

while “recognizing the need for more efficient environmental activities in the United Nations system, with enhanced coordination, improved policy advice and guidance, [...] better treaty compliance, while respecting the legal autonomy of the treaties” to support a “**stronger system-wide coherence**” (§169).

### *Human rights of indigenous peoples, peasants, and rural communities*

The call for due diligence with regards to human rights contained in the World Summit outcome was reinforced by a mandate to “make **progress in the advancement of the human rights of the world’s indigenous peoples** at the local, national, regional and international levels, including through consultation and collaboration with them”<sup>18</sup> (§127).

The **UN Declaration on the Rights of Indigenous People** (UNDRIP) lays out “the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world”<sup>19</sup> (Article 43) and declares that indigenous peoples have, among others:

- the **right to their traditional medicines** and to maintain their health practices, including the conservation of their vital medicinal plants (Art. 24);
- the right not to be subjected to forced **assimilation or destruction of their culture** (Art. 8);
- the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions (Art. 23);
- the **right to maintain, control, protect and develop** their cultural heritage, traditional knowledge and cultural expressions, and the manifestations of their sciences, technologies and cultures (including **genetic resources, seeds, medicines, knowledge of the properties of fauna and flora**, oral traditions, literatures) and to maintain, control, protect and develop intellectual property over their heritage (Art. 31).

**The eradication or discontinuation of traditional cultivation and/or medical uses of Cannabis –caused by prohibition itself– does not negate the right of indigenous peoples to “practise and revitalize” their cultures, traditions, and customs** (Art. 11): this “includes the right to maintain, protect and develop the past, present and future manifestations of their cultures.” Interestingly, the **due diligence of IGOs and the UN system is directly called for in UNDRIP’s Article 41:**

“organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration”

Indigenous peoples and local communities (IPLC) have played an indispensable role in the conservation of *Cannabis* plant biodiversity over generations. **Without them, in 2021, humans may not be able to explore the hundreds of cultivars** and the different ratios and contents in “diverse phytochemicals in cannabis, including both minor cannabinoids and terpenes,” that the US National Institutes of Health say “have shown promise.”<sup>20</sup>

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<sup>18</sup> *ibid.*

<sup>19</sup> UNGA. (2007, September 13). *Resolution 61/295, United Nations Declaration on the Rights of Indigenous Peoples*. [undocs.org/en/A/RES/61/295](https://undocs.org/en/A/RES/61/295)

<sup>20</sup> National Institutes of Health. (2019). *NIH to investigate minor cannabinoids and terpenes for potential pain-relieving properties* [online]. [www.nih.gov/news-events/news-releases/nih-investigate-minor-cannabinoids-terpenes-potential-pain-relieving-properties](https://www.nih.gov/news-events/news-releases/nih-investigate-minor-cannabinoids-terpenes-potential-pain-relieving-properties)

Like the UNDRIP suggests, in addition to environmental specificities, INCB Guidelines ought to pay attention to the **IPLC's traditional cultures and knowledge associated with the Cannabis plant**, which are often a set of medical skills, practices and know-hows derived from the collective guardianship and conservation of traditional knowledge. Contemporary Cannabis medicines are derived from if not built upon this corpus of traditional medical knowledge, which entails intellectual property rights on its own also mapped by a series of international, regional, and other *sui generis* systems.<sup>21,22</sup>

The Nagoya Protocol insists on the “**interrelationship between genetic resources and traditional knowledge, their inseparable nature for indigenous and local communities**” in relation with “the importance of the traditional knowledge for the conservation of biological diversity and the sustainable use of its components, and for the sustainable livelihoods of these communities.”

In the case of medicines, the *Global strategy and plan of action on public health, innovation and intellectual property*<sup>23</sup> is a major guideline to diligently address any policy related to access to medicines integrating intellectual property components. The current global strategy of WHO for Traditional and Complementary Medicine confirms that:

“As T&CM becomes more popular, it is important to balance the need to protect the intellectual property rights of indigenous peoples and local communities and their health care heritage while ensuring access to T&CM and fostering research, development and innovation. Any actions should follow the global strategy and plan of action on public health, innovation and intellectual property.”<sup>24</sup>

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Analysing its duties and responsibilities with regards to IHRL, in 2012, UNODC found that:

“A human rights based approach implies a **conscious and systematic integration of human rights** and human rights principles **in all aspects of programming work**. In particular, a human rights based approach should include a focus in programming on the promotion of **equality and nondiscrimination**, ensuring the participation and inclusion of **disadvantaged groups**, and **strengthening of state accountability** concerning its human rights obligations.”<sup>25</sup>

And indeed, beyond indigenous peoples, specially covered by the UNDRIP, other local, rural, but also disadvantaged and marginalized communities have similar ties with the Cannabis plant as those of indigenous peoples. These communities are well defined<sup>26</sup> in the **Declaration on the Rights Of Peasants and other people working in rural areas** (UNDROP)<sup>27</sup> adopted in 2018 which recalls in its preamble the right of peoples to exercise “full and complete sovereignty over all their natural wealth and resources.” The UNDROP recalls the

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<sup>21</sup> WIPO. (2015a).

<sup>22</sup> WIPO. (2015b). *Traditional Knowledge and Intellectual Property* (Background Brief No. 1). [www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_tk\\_1.pdf](http://www.wipo.int/edocs/pubdocs/en/wipo_pub_tk_1.pdf)

<sup>23</sup> WHO. (2011). *Global strategy and plan of action on public health, innovation and intellectual property*. [www.who.int/phi/publications/Global\\_Strategy\\_Plan\\_Action.pdf](http://www.who.int/phi/publications/Global_Strategy_Plan_Action.pdf)

<sup>24</sup> WHO. (2013). *WHO traditional medicine strategy: 2014-2023*. [who.int/medicines/publications/traditional/trm\\_strategy14\\_23/en](http://who.int/medicines/publications/traditional/trm_strategy14_23/en)

<sup>25</sup> UNODC. (2012).

<sup>26</sup> A “peasant” is defined as a “person who engages, alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land”

<sup>27</sup> UNGA. (2018, December 17). *Resolution 73/165, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*. [undocs.org/en/A/RES/73/165](http://undocs.org/en/A/RES/73/165)

centrality of human rights in its Article 2(4), and, in its Article 27, echoes UNDRIP's Article 41 by calling on UN system entities and IGOs to contribute to its full realization:

"Ways and means of **ensuring the participation of peasants and other people working in rural areas on issues affecting them** shall be considered. The United Nations [...] and other intergovernmental organizations [...] shall promote respect for and the full application of the present Declaration and follow up on its effectiveness."

UNDRIP and UNDROP do not create new rights: they explain how fundamental rights included in the core IHRL instruments unfold for these specific populations.<sup>28</sup>

### *The human right of all people to grow their own*

**The INCB "repeatedly stated that personal cultivation of cannabis for medical purposes is inconsistent with the 1961 Convention as amended because, *inter alia*, it heightens the risk of diversion."**<sup>29</sup> The arguments of the Board are that:

"Personal cultivation of cannabis to be used for medical purposes does not allow Governments to exercise the supervision required by the 1961 Convention over the production, manufacture, export, import and distribution of, trade in and use and possession of cannabis, the establishment of estimates of medical usage, the furnishing of related statistical returns or the implementation of the provisions of article 28 of that Convention. In addition to the risks of diversion, allowing private individuals to cultivate cannabis for personal medical consumption may present additional health risks, in that the dosages and levels of THC consumed may be different from those medically prescribed. The production of very high THC concentrates and extracts for 'medical use' heightens the Board's concerns about the risks of diversion for non-medical use."<sup>30</sup>

This opposition of the INCB to activities that relate to privacy is significative of the **tendency to "overemphasise the importance of preventing non-medical use, while not paying attention to the importance of medical use"** in a context where "the burden of disease from pain is at least 37 times larger than the burden of disease from substance use disorder."<sup>31</sup>

**It should not be within the prerogative of INCB to comment on, and even less condemn, personal, home-bound private activities such as the cultivation of Cannabis for one's personal medical use.** Worth noting, this right might extend to self medication, as Jessica Flanigan explains in *Pharmaceutical Freedom: Why Patients Have a Right to Self-Medicate* published at Oxford University in 2017.<sup>32</sup>

In case international institutions wish to express an opinion on activities that relate to the private sphere it should diligently explain the existence of conflicting obligations and **propose alternative solutions short of a prohibition of these activities.**

This is particularly true since **there are "flexibilities in the UN drug control conventions to decriminalise the possession, purchase, or cultivation of controlled substances for personal consumption."**<sup>33</sup> And it became even clearer after a series of groundbreaking cases in the

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<sup>28</sup> As UNPFII explains: "UN Declarations are generally not legally binding; however, they represent the dynamic development of international legal norms and reflect the commitment of states to move in certain directions, abiding by certain principles." See: [www.un.org/esa/socdev/unpfii/documents/FAQsindigenousdeclaration.pdf](http://www.un.org/esa/socdev/unpfii/documents/FAQsindigenousdeclaration.pdf)

<sup>29</sup> See § 12 in: INCB. (2019).

<sup>30</sup> See § 12 in: INCB. (2019).

<sup>31</sup> Scholten, W. (2020). Access to Controlled Medications: Barriers, Measuring Adequacy of Consumption, and Current Developments. *Journal of Illicit Economies and Development*. [jied.lse.ac.uk/articles/10.31389/jied.59](http://jied.lse.ac.uk/articles/10.31389/jied.59)

<sup>32</sup> See also: Roberts. (2020). *How to Regulate the Right to Self-Medicate*. [doi.org/10.1007/s10730-020-09415-7](https://doi.org/10.1007/s10730-020-09415-7)

<sup>33</sup> p. 14 in: United Nations Development Programme. (2019).

highest courts of South Africa,<sup>34</sup> Georgia,<sup>35</sup> Mexico,<sup>36</sup> and Italy<sup>37,38</sup> which confirmed that “under international law, States must give priority to their human rights obligations over and above any conflicting obligations under the UN Drugs Conventions.”<sup>39</sup> The European Monitoring Centre on Drugs and Drug Addiction (EMCDDA) issued a press release on “Cannabis control and the right to privacy,”<sup>40</sup> explaining:

“In 2018 the highest courts in countries across three continents have asserted that state intervention in the private life of their citizens who wish to (grow and) use cannabis is not always justified. [...]

The Georgian court noted the increasing application of human rights law in modern legal standards, and the South African court ruled that such state interference is not justified ‘in open and democratic societies’.

In the **1988 UN Convention against trafficking, Article 3(2) states that a country should criminalise possession and cultivation for personal use ‘subject to its constitutional principles’**. The court in Mexico stated that it upheld the constitutional principle of free development of personality and considered it was still in line with the Convention.”

**Most State Parties include the right to privacy among their “constitutional principles,”** also present, inter alia, in Article 12 of the Universal Declaration on Human Rights and Article 17 of the International Covenant on Civil and Political Rights, as well as a number of regional instruments (see Table 1).

**The respect for the right to privacy and related due diligence would be welcome, in this domain too.**

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The [original text](#) was authored by K. Riboulet-Zemouli and M. Krawitz in 2021.

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<sup>34</sup> Constitutional Court of South Africa. (2018). Case CCT 108/17. [www.saflii.org/za/za/cases/ZACC/2018/30.pdf](http://www.saflii.org/za/za/cases/ZACC/2018/30.pdf)

<sup>35</sup> Constitutional Court of Georgia. (2018). *Judgement №1/3/1282 dated July 30, 2018 on the case of “Citizens of Georgia – Zurab Japaridze and Vakhtang Megrelishvili v. the Parliament of Georgia”* [www.constcourt.ge/uploads/documents/5e6111b70798e.pdf](http://www.constcourt.ge/uploads/documents/5e6111b70798e.pdf) and [www.constcourt.ge/en/judicial-acts?legal=1949](http://www.constcourt.ge/en/judicial-acts?legal=1949)

<sup>36</sup> Suprema Corte de Justicia de la Nación. (2018). *Comunicado de prensa: Reitera primera sala inconstitucionalidad de la prohibición absoluta del consumo recreativo de marihuana e integra jurisprudencia.* [www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=5785](http://www.internet2.scjn.gob.mx/red2/comunicados/noticia.asp?id=5785)

<sup>37</sup> Corte Cassazione Penale, Sezioni Unite. (2019). *Informazione Provvisoria n. 27.* [www.giurisprudenzapenale.com/2019/12/27/la-decisione-delle-sezioni-unite-sulla-rilevanza-penale-della-coltivazione-modiche-quantita-cannabis-informazione-provvisoria/](http://www.giurisprudenzapenale.com/2019/12/27/la-decisione-delle-sezioni-unite-sulla-rilevanza-penale-della-coltivazione-modiche-quantita-cannabis-informazione-provvisoria/)

<sup>38</sup> The New York Times. (2019). *Growing a Little Marijuana at Home Is Not a Crime, Italy’s Top Court Says.* [www.nytimes.com/2019/12/27/world/europe/italy-marijuana-growing-cannabis.html](http://www.nytimes.com/2019/12/27/world/europe/italy-marijuana-growing-cannabis.html)

<sup>39</sup> Piet Hein van Kempen and Masha Fedorova. (2016).

<sup>40</sup> EMCDDA. (2019). *Press release: Cannabis control and the right to privacy.* [www.emcdda.europa.eu/news/2019/cannabis-control-and-the-right-to-privacy\\_en](http://www.emcdda.europa.eu/news/2019/cannabis-control-and-the-right-to-privacy_en)