

“Medicinal cannabis policies and practices around the world”

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Statement by Amnesty International
61st Commission on Narcotic Drugs, 4th Intersessional Meeting
Thematic discussion on cross-cutting issues

23 October 2018

It is an honor to present before this forum, the results of a new briefing paper called “Medicinal cannabis policies and practices around the world”, elaborated by MUCD and IDPC. It represents an effort to explore this evolving phenomenon and the various forms of legal regulatory regimes on medicinal cannabis currently available.

The global debate about cannabis regulation has intensified in recent years, and jurisdictions have increasingly amended their legislation to allow for the medicinal or therapeutic use of the plant. Various countries around the world have enacted policies and laws that enable patients to access certain types of preparations to alleviate symptoms, reduce pain or improve their quality of life.

Although all these experiences can be considered as progress, not all regulatory regimes are equal, and not all reforms will have the same impact. All in all, there are a diversity of experiences, approaches and directions and no international or regional standards currently exist.

The existing experiences are diverse and the different processes that led to these policies can be categorized as follows:

- Individual cases defended in the courts which set precedents, as in Mexico and Canada
- Direct democratic processes, like in several US states
- Legislative and public policy processes, such as in Uruguay and other US states
- Companies developing medicinal cannabis, for example in the UK.

The wide range of responses may be economically liberal like in the United States, or profoundly statist in the case of Uruguay. The experiences also differ with regards to defining medicinal use, the types of products considered as medicines, whether cultivation for personal use is allowed, and other definitions. Even in cases of medicinal regulation, other forms of cannabis use remain prohibited, with use only permitted in Uruguay, some US states and, recently, in Canada.

Latin America is currently the world leader in the promotion and adoption of policies allowing access to cannabis for therapeutic uses, in countries like Uruguay, Colombia, Jamaica and Brazil. Argentina, Peru and Mexico have also adopted other, less ambitious, regulatory processes. The United States and Canada may be the most advanced countries

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in the development of a medicinal cannabis industry. In the United States, 29 states currently have a legislation allowing medicinal cannabis use.

In Europe, alongside the Netherlands, the past year has seen the adoption of various medicinal cannabis schemes, in particular in Greece, Poland and Slovenia. In contrast, Asia continues to be at the forefront of repressive drug policies, and medicinal cannabis remains prohibited in many countries. However, there have been positive developments in several countries of the region, such as India and Thailand. Regarding Oceania, there have been significant advances in Australia and New Zealand on this front in recent years. Israel approved the medicinal use of cannabis in 1992 and soon became a centre for scientific research and development of cannabis varieties and industrial products.

Among the country examples, there is a wide range of mechanisms available to ensure access to medicinal cannabis:

1. Special individual licenses to import and use medicinal cannabis, while maintaining overall prohibitions over the plant, (e.g. in Poland).
2. Regulation of supply through the creation of a license system (e.g. in Colombia or Peru).
3. Regulation of demand with mechanisms allowing legal access to medications (e.g. in Uruguay for recreational, and by default, medicinal use).
4. Public policies in compliance with the regulatory system in place for medicines (e.g. in Germany).

Mexico represents a particular case. Although the Congress approved reforms in 2017, after a year regulations have not been released by the Ministry of Health and patients cannot access to medicines. It is a good example that a law reform does not always represent an immediately step forward in this subject.

The information available makes possible to outline some recommendations, like allow new medications to reach the market quickly, always ensuring the highest possible standards for consumer health protection, avoid the creation of monopolies, include the patients in decision-making processes and implement campaigns on medicinal cannabis.

To conclude, the most important thing regarding the right to health: legalize cannabis for medicinal use and not solely limiting access for a few arbitrarily determined illnesses. It is important to create mechanisms for immediately access - that is, without the need for judicial actions and avoiding also the high costs that individual importation of such medication would involve. The health of millions of people around the world requires to take immediate action.