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**Implementation of the international drug control treaties:
international cooperation to ensure the availability of
narcotic drugs and psychotropic substances for medical
and scientific purposes while preventing their diversion**

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

Report of the Secretary-General

Summary

The present report has been prepared pursuant to Commission on Narcotic Drugs resolution 53/7, entitled “International cooperation in countering the covert administration of psychoactive substances related to sexual assault and other criminal acts”. It presents a summary of the work undertaken by the United Nations Office on Drugs and Crime in areas covered by the resolution, in particular the recommendations provided in the guidelines for forensic analyses to identify psychoactive substances used to facilitate crimes. It also demonstrates the importance of increased awareness and collaboration on the part of all relevant counterparts during the investigation of those crimes, including forensic laboratories, judicial authorities and health-care and law enforcement personnel.

* E/CN.7/2012/1.



I. Introduction

1. In 2009, in its resolution 52/8, on the use of pharmaceutical technology to counter drug-facilitated sexual assault, the Commission on Narcotic Drugs urged Member States to address the emerging problem of the use of substances facilitating sexual assault. The importance of relevant information on emerging trends in the use of drugs to commit this kind of offence was recognized, as well as the need to share such information through bilateral, regional and international channels.

2. In 2010, in its resolution 53/7, entitled “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, expressing concern about the reported increased abuse of psychotropic substances, in particular sedatives and tranquillizers, to commit sexual assaults or other types of crime, recognizing the importance of the capacity of forensic laboratories and the development of methodologies for analysing sexual assault and 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, and recognizing also the importance of integrating laboratories and providing scientific support to drug control frameworks and of treating analytical data as a primary source of information worldwide, in accordance with Commission resolution 50/4, entitled “Improving the quality and performance of drug analysis laboratories”, urged the relevant international organizations, including the International Narcotics Control Board (INCB), the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO), 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.

3. Pursuant to resolution 53/7, INCB requested Member States to share relevant experiences and information on the phenomenon. In their replies, most Governments indicated difficulties in providing accurate data on the issue, owing to the lack of forensic or other evidence in such cases.¹

4. In response to resolution 53/7, UNODC developed international guidelines for forensic analysis aimed at detecting and identifying psychoactive substances used in connection with sexual assault or other criminal acts.

5. This report presents a summary of the work undertaken by UNODC in areas covered by the resolution, in particular on the development of guidelines for global use in forensic analyses to detect and identify psychoactive substances administered in such crimes. It demonstrates the importance of increased awareness and collaboration of all relevant counterparts during the investigation process, including forensic laboratories, judicial authorities, health-care professionals and law

¹ *Report of the International Narcotics Control Board for 2010* (United Nations publication, Sales No. E.11.XI.1), paras. 276-283.

enforcement personnel. The report also provides recommendations for further consideration by Member States.

II. Implementation of Commission on Narcotic Drugs resolution 53/7

A. Methodology

6. Pursuant to Commission on Narcotic Drugs resolution 53/7, in July 2010 INCB requested Governments to provide it with the information required under the resolution. By 1 November 2010, 47 Governments had replied.¹

7. With a view to developing international guidelines for forensic analyses to detect and identify psychoactive substances used in connection with sexual assault or other criminal acts, UNODC organized an expert group meeting in Vienna from 23 to 25 March 2011, with the participation of international subject-matter experts, including representatives of competent authorities and the INCB secretariat. The meeting identified challenges encountered in relation to forensic analysis, provided expert advice, observations and recommendations on the subject, and agreed on the structure and content of the guidelines. An electronic version of the guidelines will be available from the UNODC website (www.unodc.org).

B. Challenges

8. The replies received from Member States in response to the request by INCB for available information concerning drug-facilitated crimes suggested that such criminal acts had occurred in many countries and regions. However, most Governments indicated that they had difficulty in providing accurate data on the phenomenon, owing to the lack of forensic and other evidence in such cases. The actual extent of the problem is therefore hard to ascertain and it is believed to be significantly underreported in most countries.

9. Definitions regarding the phenomenon of drug-facilitated sexual assault and other criminal acts are critical in order to establish a common understanding among all the parties involved of the nature of the crime committed. Such an understanding forms the basis for any further forensic action required when investigating, analysing and sharing information on a criminal case. Lack of a common understanding may lead to inconsistent data on drug-facilitated crimes and to inaccurate information on the extent of the phenomenon.

10. Investigative challenges include delays in reporting, including the victim's confusion concerning the events leading to the assault as a result of the amnesic effects of the drug(s) administered. Many of those drugs may give rise to similar clinical symptoms in a victim, which may mislead the investigation. Delays in reporting may affect the laboratory analysis owing mainly to delayed sampling. In order for the forensic laboratory to perform a successful analysis, evidence has to be collected and stored appropriately as soon as possible after the incident and according to standardized procedures.

11. The broad range of psychoactive substances and the possibly low doses that may be found in the victim present a challenge to the forensic laboratory in performing comprehensive analysis for all the possible drugs involved. Experts have reported a yearly increase in the number of new drugs implicated in drug-facilitated crimes. As such analyses are not performed routinely in most forensic laboratories, staff may not have the specific skills to perform them or the required experience to interpret the results. Lack of the appropriate analytical methodology and instrumentation may also be an obstacle to carrying out the suitable analysis.

12. The availability of standardized analytical methodologies and reference materials of parent substances and their metabolites, whether under international control or not, is critical for the generation of high-quality laboratory data. Difficulties in obtaining reference materials hamper laboratories in performing analyses to detect and identify the substances involved.

13. Lack of cooperation between parties involved in drug-facilitated criminal cases may lead to misinterpretation of findings. Ongoing communication between the forensic laboratory, health-care professionals, law enforcement personnel and judicial authorities is critical and requires established procedures. Such collaboration enables overall discussions of the case and further contributes to the interpretation of the analytical findings.

14. Lack of cooperation between parties may also lead to difficulties in the collection of data and in reporting the existence of drug-facilitated criminal cases. Further, it hinders the exchange of information and collaboration at the national and international levels, and has a negative effect on the provision of health-care support to victims and the implementation of preventive action.

C. Purpose of the Guidelines

15. The forthcoming *Guidelines for the Forensic Analysis of Drugs Facilitating Sexual Assault and Other Criminal Acts* (ST/NAR/45) are designed as a practical tool providing guidance on the implementation of best practices in forensic laboratories and raising awareness of the importance of standardized methodology and procedures related to the identification and analysis of drugs facilitating sexual assault and other criminal acts.

16. Recognizing the importance of accurate data in support of an effective drug control system, the *Guidelines* aim to assist not only in the analytical detection of psychoactive substances but also in the investigation and prosecution of drug-facilitated criminal cases by advising on practical and consistent procedures for the generation of high-quality data. They are intended for use worldwide to improve investigational and analytical capabilities at the national and international levels and, specifically:

(a) To provide guidance to investigators and medical professionals as to the requirements for successful collection of evidence, including recovery and storage of samples, which serves as a basis for further investigation and is essential for appropriate laboratory analysis and reliable results;

(b) To provide guidance to analytical scientists and toxicologists in carrying out laboratory analysis of psychoactive substances suspected of being present and in interpreting the results in cases of drug-facilitated crimes.

17. Taking into consideration Commission on Narcotic Drugs resolution 53/7, in which the Commission called for 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 modus operandi of assailants and identifying the psychoactive substances used, the *Guidelines* emphasize the importance of collaboration of all those involved in any investigation and the importance of collecting consistent data.

18. In addition, the *Guidelines* address the importance of raising awareness among all counterparts, including forensic laboratories, judicial authorities, health-care professionals and law enforcement agencies, in order to ensure the provision of adequate and professional assistance, including targeted laboratory analysis for certain drugs suspected, and emphasize the critical need for victims to seek assistance and testing services as soon as possible when a crime has occurred.

III. Conclusions and recommendations

19. In resolution 53/7 Member States recognized the important role of forensic laboratories as part of national drug control systems, the value of high-quality laboratory results and data to criminal justice systems, law enforcement, health authorities and those making policy decisions relevant to drug-facilitated sexual assault and other criminal acts.

20. Member States should consider establishing and using standardized definitions and procedures relevant to the phenomenon in order to gain a common understanding of different crimes facilitated by psychoactive substances. This would assist in standardizing the collection of related data based on consistent criteria and would lead to accurate and reliable data and information, including information on the types of substance used and their prevalence, in order to determine national and regional trends.

21. Broad implementation of the *Guidelines* will help to optimize investigative procedures and facilitate the work of the forensic laboratories involved. It will raise awareness and improve understanding of the whole process of successful investigation and will enhance skills in obtaining reliable findings. It will also contribute to the efforts of Member States to strengthen overall laboratory capacity to identify psychoactive substances, including the implementation of best practices and high-quality management systems, and the development and use of appropriate methodologies and instrumentation for forensic analysis.

22. Member States should consider establishing procedures to strengthen the cooperation between all the parties involved in the investigation of drug-facilitated crimes, including forensic laboratories, health-care professionals, law enforcement and judicial authorities, specifically, procedures for collecting, documenting and preserving evidence correctly by using the appropriate, standardized tools, which would lead to accurate and admissible laboratory analytical data and results.