

## **Shadow Report to the Committee Against Torture for adoption of list of issues for the Russian Federation on its 70th session**

This report is drafted on behalf of the Russian Public Mechanism for Monitoring of Drug Policy Reform by the Andrey Rylkov Foundation for Social Justice and Health with technical assistance of the HIV Legal Network and the Eurasian Harm Reduction Association.<sup>1</sup>

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### **Section I**

#### **Introduction and Summary**

1. This report examines the issue of the implementation by the Russian Federation of the the Committee against Torture recommendations to Russia regarding the enforcement of the Convention's provisions in regard to people who use drugs. The report contains cases of violation of the Convention articles confirming that the State ignores the recommendations and has not taken any measures to implement them. The report also contains information that the State is developing its drug policy contradicting the conventions and recommendations and does everything to make the implementation of the recommendations impossible.
2. In its [Concluding observations on the sixth periodic report of the Russian Federation \(CAT/C/RUS/6\)](#) on August 2018 Committee against Torture made following recommendations:

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<sup>1</sup> Information about these organizations is in Annex I

Para. 20. Noting the lack of opioid substitution therapy (further - OST) in the State party, the Committee is concerned by consistent reports that the law enforcement deliberately uses the withdrawal syndrome of drug users deprived of liberty in order to elicit coerced confessions, and that the courts admit such evidence. The Committee regrets information that despite recommendations made by several other treaty bodies, including the Human Rights Committee in 2015, the State party has not taken effective measures to address this issue (arts. 2, 11, 15 and 16).

Para. 21. The Committee urges the State party to take all the measures necessary to effectively protect drug users deprived of liberty against the infliction of pain and suffering associated with the withdrawal syndrome by the police, including to extract confession; to ensure that such confession is not admitted by the courts; and to provide drug users in detention with adequate access to necessary medical treatment.

Para. 39. The State party should: (c) Combat the spread of infectious diseases and implement vigorously harm reduction programmes in places of detention in order to reduce the number of deaths from tuberculosis and the incidence of HIV/AIDS, and provide specialized medical care to detainees suffering from such diseases.

3. In addition to CAT, recommendations regarding Russian drug legislation and its application were made by 5 UN Committees, including HRC in 2015. Given such a long-term disregard by the State of the international treaty bodies' recommendations, we ask the Committee to pay special attention to these problems and include relevant questions in the List of Issues for the Russian Federation for the purpose of a detailed analysis of the situation in the next periodic review.

## **Section II**

### **Proposed questions to the List of Issues**

4. We ask the Committee to ask the State what actions it intends to take to implement the Committee's recommendations, noting the prohibition of opioid substitution therapy (OST) and the ongoing discriminatory policy of zero tolerance enshrined in the new State anti-drug strategy.

## **Section III**

### **Facts of violations of the recommendations and the Convention articles**

#### **Use of withdrawal syndrome**

5. Cases in these section show that law enforcement agencies of the State party continue to use withdrawal syndrome to coerce confessions and don't take measures necessary to effectively protect people who use drug against the infliction of pain and suffering associated with the withdrawal syndrome, and that courts admit evidence received in such conditions.

### **Case of Denis Shirokov (D.S.), a man living with drug dependence in Moscow**

On February 16, 2018, D.S. was stopped by two police officers who claimed he had violated his parole conditions. Subsequently, at the trial, the officers admitted that they had stopped D.S. solely because they knew he had a drug addiction. The officers took him to the staircase of the apartment building, where they waited for several hours for the witnesses to their search to arrive. After that, search was carried out, during which 1.31 g of cocaine was found. D.S. denied knowledge or ownership of the cocaine. After the search he was taken for a medical examination, which determined the state of intoxication from opiates. The report of detention was not drawn up, and he was not informed of his rights. After 18 hours of imprisonment, when he felt severe abstinence syndrome (he felt severe pain in his limbs, dizziness and headache, nausea, according to him his condition was "unbearable") officers started the interrogation. He asked to be taken to the hospital, but his request was denied. He did not receive any medical treatment until February 19. While in this condition, he admitted the possession of drugs and was released under a restriction of travel order. During the trial, he recanted his earlier confession, but the court ignored this and on November 1, 2018 sentenced him to a prison term of one year and eight months.

### **Case of J.R., a woman living with drug dependence, HIV, and HCV in Kaliningrad**

On June 13, 2019, J.R. helped a friend purchase two doses of heroin to be shared between them. She managed to use her part of the drug before police arrested her and brought to a police station for an interview. Police kept J.R. in the police station for four days with no access to medical help, despite her obvious symptoms of withdrawal syndrome, such as nausea, anxiety and restlessness. All this time she experienced severe pain, muscle and abdominal cramps and the inability to think clearly, any attempt to concentrate attention brought physical suffering. After that they forced her to testify against herself and a drug dealer. In order to create legal grounds for keeping her in custody, police charged J.R. with the administrative offence of pronouncing an obscenity in public. When police finally arrested the drug dealer, they released J.R. on bail.

### **Case of E.B., a woman living with drug dependence from Yekaterinburg**

On October 16, 2018, at approximately 11 a.m. E.B. was arrested at her home and taken to the police station. The grounds for E.B.'s detention became A.'s testimony that she was selling drugs. E.B. had symptoms of withdrawal syndrome. The interrogation continued, until late in the evening. During the interrogation, E.B. felt pain in all her body and the only thing she could think about was how to stop this pain, for the sake of which she was ready to endure any humiliation and agree to everything. As a result of pressure from police officers, threats, blackmailing statements about the possible planting of drugs, E.B. wrote a confession. She wrote all the testimony under the dictation of the police officer; she was not provided with the lawyer. Subsequently, A. admitted that he had slandered E.B. and gave testimony under pressure, as well as E.B. refused to testify and reported the pressure. Despite this, E.B. was sentenced to 11 years in prison.

### **Lack of adequate HIV and TB prevention and treatment in prisons**

6. According to official data, about 10% of the prison population is living with HIV (61,417 people) and only 52% of them receive ART.<sup>2</sup> The conditions of detention and the state of medical care do not contribute to recovery and only increase the risk of infection or progression of HIV. This is due to a lack of harm reduction programs, late diagnosis of infectious diseases, a shortage of specialists among prison staff, denials of release from imprisonment due to illness, and other systemic problems.

#### **Case of Venera, a woman living with HIV and drug dependence from Almetyevsk**

In August 2018, Venera was convicted of drug dealing based on the testimony of another girl. Despite Venera's HIV-positive status, third stage of oncology and the fact that the witness at the trial retracted her testimony, stating that the police forced her to give false testimony, the court found Venera guilty and sentenced her to 8 years in prison. In August 2019, Venera's health condition worsened, for two months she was denied in access to treatment (for two months she had a body temperature of 38°C and did not undergo tests). Only when she was in a near-death condition, she was taken to the hospital for convicts. She stayed there for a month and was diagnosed with pneumocystis pneumonia. She was treated, her health improved slightly, and she was returned back to her prison.

#### **Case of Pavel, a man living with HIV and drug dependence from Yekaterinburg**

Pavel was sentenced to imprisonment in 2014. During his stay in the colony due to interruptions in treatment (unjustified changes in the treatment regimen, irregular provision of medication), as well as due to unsatisfactory conditions of detention, he suffered from pneumonia several times. In 2018, he was diagnosed with multidrug-resistant tuberculosis. Pavel's health worsened, and in 2019 he was released for health reasons. Upon his release, Pavel was not sent for treatment, his physical condition did not allow him to get it on his own, and Pavel again began to use drugs for pain relief, which caused further problems with treatment in the TB dispensary. Now, thanks to social workers' help Pavel is receiving treatment, but his health condition is deteriorating, and he was registered as disabled.

### **Section IV**

#### **Prohibition of opioid substitution therapy**

7. Opioid substitution therapy (OST) is an effective, safe and cost-effective treatment for opioid dependence. Multiple rigorous assessments of this method have clearly demonstrated that such therapy is a valuable and important component of effective management of patients with opioid dependence and prevention of HIV among people who inject drugs. Substances with some of the properties of opioids are suitable for use in substitution therapy for opioid dependence so that these substances can prevent the onset of withdrawal symptoms and reduce drug cravings. The whole society benefits from opioid substitution therapy by reducing the number of new cases of criminal

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<sup>2</sup> IA TASS "The Federal Penitentiary Service named the number of HIV-infected among convicts in Russia", in Russian at: <https://tass.ru/obschestvo/6331063>

behavior.<sup>3</sup> OST is recognized as the most effective medical treatment for withdrawal syndromes and can be used in prisons, including for HIV prevention.<sup>4</sup>

8. Substances used for OST include methadone and buprenorphine. In Russia, these substances are included in the lists 1 and 2 of narcotic drugs.<sup>5,6</sup> The use of substances from these lists for drug addiction treatment is prohibited by law.<sup>7</sup>
9. Any amendments to these regulations and laws to bring them in line with the Committee's recommendations are not possible due to the government's policy of "zero tolerance" to drugs.

## Section V

### Policy of zero tolerance

10. The underlying drug policy document of the Russian Federation — the Strategy of State Anti-Drug Policy until 2030 (Strategy), which is the continuation of the Strategy until 2020 — proclaims anti-drug ideology — a set of views based on traditional Russian spiritual and moral values expressing a negative attitude towards drugs.<sup>8</sup> It has zero mention of human rights and is aimed at punishing people for using drugs and forcing people into abstinence.
11. Developed and implemented by the police (Ministry of Internal Affairs) Russia's official drug policy disregards the health nature of drug dependence and is built on intolerance to drugs as a national idea that exceeds the importance of people's life and health and ignores scientifically grounded approaches to the drug problem.
12. Thus, the Strategy states as one of the measures to reduce the number of people living with drug addiction the prevention of the use of OST methods in treatment of drug addiction in the Russian Federation, and as one of the threats - the liberalization of the international drug control system.

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<sup>3</sup> WHO/UNODC/UNAIDS position paper Substitution maintenance therapy in the management of opioid dependence and HIV/AIDS prevention

[https://www.who.int/substance\\_abuse/publications/en/PositionPaper\\_English.pdf](https://www.who.int/substance_abuse/publications/en/PositionPaper_English.pdf)

<sup>4</sup> Andrej Kastelic, Jörg Pont, Heino Stöver, Opioid Substitution Treatment in Custodial Settings A Practical Guide [https://www.unodc.org/documents/hiv-aids/OST\\_in\\_Custodial\\_Settings.pdf](https://www.unodc.org/documents/hiv-aids/OST_in_Custodial_Settings.pdf)

<sup>5</sup> List of narcotic drugs and psychotropic substances, the circulation of which prohibited in the Russian Federation in accordance with the law of the Russian Federation and international treaties of the Russian Federation (List I), in Russian at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_136206/ce99160bb6d3dd9183f48dce1703bf45dfa78f28/](http://www.consultant.ru/document/cons_doc_LAW_136206/ce99160bb6d3dd9183f48dce1703bf45dfa78f28/)

<sup>6</sup> List of narcotic drugs and psychotropic substances, the circulation of which in the Russian Federation is limited and in relation to which control measures are established in accordance with the legislation of the Russian Federation and international treaties of the Russian Federation (List II), in Russian at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_136206/629d31642fd63a1444f590ad4cb3b8fe80705276/](http://www.consultant.ru/document/cons_doc_LAW_136206/629d31642fd63a1444f590ad4cb3b8fe80705276/)

<sup>7</sup> part 1 of Art. 14 and part 6 of Art. 31 of the Federal Law "On Narcotic Drugs and Psychotropic Substances" dated 08.01.1998 N 3-FZ, in Russian at: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_17437/](http://www.consultant.ru/document/cons_doc_LAW_17437/)

<sup>8</sup> Strategy for the Implementation of the National Anti-Drug Policy of the Russian Federation in the Period Until 2030, adopted by Presidential Order N 733 of November 23, 2020, in Russian at:

[http://www.consultant.ru/document/cons\\_doc\\_LAW\\_368501/88c278a9358f0df60725188db9beded9a90290e1/](http://www.consultant.ru/document/cons_doc_LAW_368501/88c278a9358f0df60725188db9beded9a90290e1/)

13. The ideological approach of the State to the drug problem is manifested in international politics, Russian diplomats actively oppose harm reduction programs, including OST in international treaty bodies.<sup>9</sup>
14. The Russian drug treatment system has a very low rate of effectiveness: over 90% of drug treatment patients relapse to illegal drug use within one year of treatment.<sup>10</sup>
15. The ineffectiveness of the government drug treatment system and the high demand for treatment in Russia have resulted in a large number of doubtful private practices, including flogging,<sup>11</sup> beatings, punishment by starvation and long-term handcuffing to the bed frame,<sup>12</sup> “coding” (i.e., hypnotherapy aimed at persuading the patient that drug use leads to death), brain surgery,<sup>13</sup> electric shock causing seizures, burying the patient in the ground for 15 minutes, putting electrodes into patients’ ears to cause electric shock, implantation of guinea pig brains, and other unproven methods.
16. Russian authorities publicly support large networks of private drug rehabilitation centers such as the “National Anti-drug Union.”<sup>14</sup> Many of these centers practice torture under the guise of drug dependence treatment. Below are extracts from allegation letters submitted to police by victims of torture from 2014 to 2018, as well as from journalists’ investigative reports. In some cases, police responded but the majority of the allegation letters remain unanswered.
17. Such approach puts people who use drugs in condition where their only options are either to try to overcome the addiction on their own (which is incredibly difficult) or inevitably get caught by the criminal justice system and face a real risk of long imprisonment. The second option is more likely to happen because it is difficult to acquire a smaller amount of the most popular opiates in dark web (heroin and methadone), for the acquisition of which criminal liability begins from 0.5 grams. Thus,

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<sup>9</sup> G. Vanunts “Substitution therapy is the most effective method against drug addiction. Russia is fighting it both at home and in other countries.” September 2018. Available in Russian at:

<https://meduza.io/feature/2018/09/25/zamestitelnaya-terapiya-samyi-effektivnyy-metod-protiv-narkozavisimosti-rossiya-boretsya-s-ney-i-u-sebya-doma-i-v-drugih-stranah>

<sup>10</sup> Data was published by T. V. Klimenko, Chief Researcher of State Research Center for Social and Forensic Psychiatry named in honour of dr. Serbskiy in interview for RIA Novosti taken by V. Ivanov, September 16, 2009, [www.ria.ru](http://www.ria.ru); T. V. Klimenko (2009) “On the Russian Drug Control Strategy,” 2009. Publication was deleted from the website.

In another interview in 2010 T.V. Klimenko also declared that Russian drug treatment system “works ineffectively”:

<https://ria.ru/20100422/225422520.html>

<sup>11</sup> S. V. Speransky, MG. Huchrova, NK Zhukov (2005) “Method of pain effect during treatment of addictive behavior and other displays of avital activity”. Available in Russian at: <http://rozgamed.narod.ru/caust3.html>

<sup>12</sup> A. Sarang (2010) “Spas-on-Blood, or the chronicles of anti-drug terror in Ekaterinburg,” 2010 Available in Russian at: <https://www.talkingdrugs.org/ru/спас-на-крови-или-хроники-антинаркотического-террора>

<sup>13</sup> No to Drugs, an Informative-publishing resource (2010) 335 experimental operations on humans. Available in Russian at: [http://www.narkotiki.ru/5\\_5242.htm](http://www.narkotiki.ru/5_5242.htm)

<sup>14</sup> According to information on the official website of the Union, the organization is supported by Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. Online: <https://nasrf.ru>

people addicted to opiates become an attractive victim for the police - they can be easily identified on the street by profiling, each detainee is a high chance of a criminal case solved, and cruel treatment is justified by the State ideology.

18. In Russian legislation there is an article on the prohibition of drug propaganda (Article 6.13 of the Administrative Code of the Russian Federation), implying liability in the form of a fine of up to 5 thousand rubles (equivalent of 67 USD) for individuals and up to a million rubles (equivalent of 13,487 USD) for legal entities. And there is a criminal article for inducement to use (Art. 230 of the Criminal Code of the Russian Federation), the maximum punishment for which is up to 10 years in prison. Data on law enforcement practice under the article for declination are absent, and according to propaganda, they show that the article is applied mainly in cases where the actions of the responsible person were not aimed at arousing the desire to use drugs.<sup>15</sup> Russian law enforcement has long been known to use this law to suppress human rights and health information.<sup>16</sup> Even scientific and other public discussions regarding such WHO-recommended methods of drug dependence treatment as opioid substitution therapy (OST) are suppressed in Russia under threat of prosecution for drug propaganda.<sup>17</sup> In 2012, the Federal Drug Control Service shut down as “drug propaganda” the website of the non-governmental organization Andrey Rylkov Foundation for Health and Social Justice for disseminating the recommendation concerning OST that had been delivered to the Russian government by the UN Committee on Economic, Social and Cultural Rights.<sup>18</sup>
19. In 2018, government agencies administratively blocked 24,900 webpages or web domains. In addition to this, 1,338 Internet sites were blocked based on court decisions. The Ministry of the Interior took 3,973 administrative decisions to block access to social networks groups.<sup>19</sup>
20. Below are some examples of the sweeping use of anti-drug propaganda laws:
  - Every year, Russian courts impose fines on many thousands of entrepreneurs for

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<sup>15</sup> Contents of 142 court statements of 32 subjects of the Russian Federation on cases of administrative offenses provided by part 1 of art. 6.13 Administrative Code of the Russian Federation, available in Russian at: <http://hand-help.ru/doc25.18.html>

<sup>16</sup> Communication to the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding violation by the Government of the Russian Federation of the right to enjoy the benefits of scientific progress and its applications. March 2012. Online at <http://www.hivlegalnetwork.ca/site/when-science-is-just-a-decorator-russian-drug-policy-the-right-to-scientific-progress/?lang=en>

<sup>17</sup> T. Parfitt, “Vladimir Mendeleevich: fighting for drug substitution treatment,” *The Lancet* 2006, Volume 368, Issue 9532, p. 279.

<sup>18</sup> Communication to the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding violation by the Government of the Russian Federation of the right to enjoy the benefits of scientific progress and its applications. March 2012. Online at <http://www.hivlegalnetwork.ca/site/when-science-is-just-a-decorator-russian-drug-policy-the-right-to-scientific-progress/?lang=en>

<sup>19</sup> Extracts from the State Drug Report, 2018. Online: <https://media.mvd.ru/files/application/1628743>

- selling goods, such as socks or t-shirts, with pictures of cannabis leaves<sup>20</sup>;
- In 2018, the court imposed a significant fine of 800,000 rubles on the Moscow-based nongovernmental organization Andrey Rylkov Foundation for Health and Social Justice for making public information about how to reduce harm of illicit drug use<sup>21</sup>;
  - In 2018, the court imposed a significant fine of 40,000 rubles on a journalist for comparing social adverse consequences of alcohol use (in particular murder under the influence of alcohol) to those of marijuana use (no registered cases of murder under the influence of marijuana in the whole history of mankind)<sup>22</sup>;
  - In 2018, the court imposed a significant fine of 800,000 rubles on an internet media “7x7” for publishing a statement of opposition politician Mr. Svetov, concerning the legalization of marijuana<sup>23</sup>;
  - In 2019, the court imposed a significant fine of 800,000 rubles on an internet media Lenta.ru for publishing information about the ongoing reform of drug laws in Europe<sup>24</sup>;
  - In 2020, a Ukrainian organization (Alliance of Public Health, Ukraine) and a Lithuanian organization (Eurasian Harm Reduction Association) received orders from a Russian agency in charge of information control (Roskomnadzor) to delete several webpages from their websites for allegedly containing drug propaganda;
  - Russian authorities also prohibit such public awareness events as cannabis march in support of drug laws and policy reforms.<sup>25</sup>

21. From December 2020 to February 2021, two new laws have been adopted, which increase the punishment under the above articles for the same actions using the Internet.<sup>26, 27</sup>

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<sup>20</sup> See the overview of practice in cases of administrative offenses under Part 1 of Art. 6.13 Administrative Code of the Russian Federation, at <http://hand-help.ru/doc25.18.html>

<sup>21</sup> Information on trial is available at: <https://rylkov-fond.org/blog/category/strategicheskie-kejsy-far/delo-v-otnoshenii-far-o-propagande-narkotikov/>

<sup>22</sup> A. Borodikhin, "Hit with a TV and Chelyabinsk marijuana in Strasbourg. Journalist appealed to ECHR on a fine for a "drug propaganda." Mediazona, January 25, 2019. <https://zona.media/article/2019/01/25/chelweed>  
Original disputable publication available at: <https://lentachel.ru/news/2018/01/11/dobili-televizorom-po-golove-dvoe-kusintsev-raspravilis-so-svoim-sobutylnikom.html>

<sup>23</sup> M. Polyakov, "Court in Skrikvkar fined" 7x7 "for 800 thousands of rubles for "drug propaganda" in interview with politician Svetov. What known about it". "7x7," June 20, 2018. <https://7x7-journal.ru/articles/2018/06/20/sud-v-syktvykare-oshtrafoval-7h7-na-800-tysyach-rublej-za-propagandu-narkotik-ov-v-interview-politics-light-what-about-this-is-known>

<sup>24</sup> "Lenta.ru" was fined 800 thousand rubles for the text on the legalization of marijuana in Europe. " Mediazona, January 1, 2020. <https://zona.media/news/2020/01/01/lenta>

<sup>25</sup> Application No. 25465/16 Konstantinov v. Russia (communicated on 5 June 2018 and merged with No. 2064/10 Fedotova v. Russia).

<sup>26</sup> Federal Law of December 30, 2020 N 512-FZ "On Amendments to the Code of the Russian Federation on Administrative Offenses", available in Russian at: <https://rg.ru/2021/01/12/administrativnie-shtrafy-dok.html>

<sup>27</sup> Rossijskaya Gazeta, February 17, 2021, "The Federation Council approved the law on prison sentences for inducement of drug use in the Internet", available in Russian at: <https://rg.ru/2021/02/17/sovfed-odobril-zakon-ob-osuzhdenii-do-15-let-za-sklonenie-k-narkotikam-v-seti.html>

22. Together with the laws on foreign agents, such legislation excludes the ability of civil society to influence the implementation of the Committee's recommendations and prohibits any public discussion around OST, since it is legally a narcotic substance.

## Section VI

### Conclusions

23. The State not only ignores the recommendations of the Committee, but also does everything to make their implementation impossible. With such a policy, it is not possible to enforce the articles of the Convention in regard to people who use drugs. Members of the Committee should pay special attention to the issue of Russia's implementation of its recommendations in the field of drug policy, given that the first step towards their implementation could be the abolition of the ban on OST and the creation of OST programs by the State.

## Annex I



Since 2009, the Andrey Rylkov Foundation for Health and Social Justice has served as the Secretariat for the Russian Public Mechanism for Monitoring of Drug Policy Reform. The Foundation is a grassroots organization based in Moscow, Russia, with the mission to promote and develop humane drug policy based on tolerance, protection of health, dignity and human rights. The Foundation engages in four key strategies to advance its mission: advocacy, watchdog services, direct service provision and capacity building of affected communities and individuals. Since 2016, the Foundation has been on Russia's list of "foreign agents," according to Article 2(6) of the Federal Law No 7-FZ of December 8, 1995 ("On Non-profit Organizations").

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In preparing this report, the Foundation was assisted by:



the HIV Legal Network, an organization which promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV and AIDS, and a non-governmental organization with Special Consultative Status with the Economic and Social Council of the United Nations.

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Eurasian Harm Reduction Association (EHRA), a non-profit public organization, uniting 303 organizational and individual members from 29 countries of the Central and Eastern Europe and Central Asia region (CEECA). EHRA's mission is to actively unite and support communities and civil societies to ensure the rights and freedoms, health, and well-being of people who use psychoactive substances in the CEECA region.

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