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Dear Mr. Robert Husband, Human Rights Officer of the Rule of Law Office at the United Nations Office of the High Commissioner for Human Rights,

My name is Constanza Sánchez, Law, Policy & Human Rights Coordinator at [ICEERS Foundation](#) in Barcelona, Spain. I am writing you regarding the recent call for NGOs, made through the Human Rights Council resolution A/HRC/28/L.22, to send their contributions on the impact of drugs and drug control on human rights in order to feed into the report that the Office of the High Commissioner for Human Rights (OHCHR) is planning to draft for the 2016 UNGASS debates.

The International Center for Ethnobotanical Education, Research & Service (ICEERS) is a philanthropic, non-profit organization dedicated to the study and promotion of public policies based on scientific evidence and human rights, the integration of ethnobotanicals as therapeutic tools in contemporary societies and the protection of indigenous ethnobotanical practices and their natural habitat.

The impact of drug control policies over the human rights of people using and working with ethnobotanicals that contain alkaloids that are controlled under the 1971 Convention on Psychotropic Drugs, mainly ayahuasca, is increasingly noticeable and worrying, especially during the last few years -as we shall briefly expose in the following paragraphs.

[The Problematic: Criminalization without Prohibition of Ethnobotanicals](#)

For a significant and rapidly increasing population in various parts of the world, drinking ayahuasca has become an important means for people to promote their spiritual and personal development, overcome suffering and deepen their relationship with themselves, their families, their communities and planet Earth. Syncretic religions incorporating ayahuasca as a sacrament (groups like Santo Daime or União do Vegetal, which incorporate the ritual use of ayahuasca in their practices) have settled in an

increasing number of countries, along with indigenous healers as well as occidental practitioners offering ayahuasca sessions to a broader interested public.

However, to many drug control agencies, such as the International Narcotics Control Board (INCB) as well as law enforcement officers, legal prosecutors and judiciaries of individual countries, ayahuasca drinking is mistakenly regarded as a new way to get high, an inauthentic spiritual practice, a destructive drug addiction, and a threat to public health and moral order that requires repressive measures.

In 2010, in a [letter in response](#) to an ICEERS' query, the INCB affirmed that "no plant or concoction containing DMT, including ayahuasca, is currently under international control". However, the Board added that "some countries may have decided to apply control measures to the use and trade of ayahuasca, due to the *serious health risks* that the use of this preparation carries."¹ But only a few countries like France have a specific schedule for ayahuasca. The same circumstances obtain for peyote, containing mescaline, and psilocybin-containing mushrooms,...: they are not under international control and not specifically scheduled in most countries.

In its [2010 Annual Report](#) the INCB noted an "increased interest in the **recreational use** of such plant materials", claiming that "such plants are often used outside of their original socio-economic context to **exploit substance abusers**" (par. 284). The Board recommends that Governments should consider **controlling such plant material** at the national level where necessary.²

In their [2012 Annual Report](#) they took it a step further, noting "the increasing popularity of practices that **purportedly have spiritual connotations**, such as "**spiritual tourism**", under the cover of which the plant-based psychoactive materials are consumed". (...) The Board noted "with concern that the use of those substances has been associated with **various serious health risks** (both physical and psychological) and even with **death**. (...)", reiterating "**its recommendation** to the Governments of countries where the misuse and trafficking of such plant materials may occur to remain vigilant" and recommending "**appropriate action be taken at the national level** where the situation so requires" (par. 328 and following).³

This situation led to a number of experts to publish the [Statement on Ayahuasca](#) in 2012 at the *International Journal of Drug Policy*, mainly centered on the challenges associated

¹ Letter sent to ICEERS by the INCB in 2010, available at http://iceers.org/Documents/ICEERS_site/Letters/INCB/INCB_Response_Inquiry_ICEERS_Ayahuasca_2010.pdf. The same statements were originally mentioned by the INCB – and constitute a relevant precedent- at Schaepe, H. (2001, Jan. 17). Letter from Herbert Schaepe, Secretary of the United Nations International Narcotics Control Board (INCB) to R. Lousberg, Inspectorate for Health Care of the Ministry of Public Health in the Netherlands, available at http://iceers.org/Documents/ICEERS_site/Letters/INCB/INCB_Fax_Ayahuasca_Dutch_Health_Ministry.jpg

² INCB Annual Report 2010, par. 284-286.

³ INCB Annual Report 2012, par. 328-330.

with the religious use of the beverage and based on the conviction that the ambiguity concerning the legal status of this preparation and the intolerance towards these practices is mainly due to “misinformed prejudice against the use of psychedelic substances”, and not the result of “rational risk/benefits calculations and evaluations of consequences either for individuals practitioners or for public safety”.⁴

In response to the claims about ayahuasca’s alleged health risks, we developed a [literature compilation](#) and [technical report](#) that includes the main published scientific literature, in collaboration with the nine most renowned scientists who have been researching ayahuasca’s effects, risks and potential benefits in humans for over a decade. This body of clinical and observational research shows that on the short, medium, and long-term ayahuasca has an acceptable physiological and psychological safety profile, better in fact than many legitimate and widely-used pharmaceutical medications.⁵ Moreover, scientific research suggests that ceremonial or clinical uses of ayahuasca may have significantly beneficial effects in treating addiction, impaired cognitive functions and depression.

Around the same time the INCB sounded its social alarm regarding the purportedly rising trend of psychoactive ethnobotanical uses and harms, arrests for the use and importation of ayahuasca significantly increased, with at least 37 arrests in Spain alone, and many others following in other European and Latin American countries. The pattern of legal incidents indicates that law enforcement is actively persecuting these practices, driving them further underground while their popularity is rising considerably and their therapeutic application is more widely understood and appreciated.

A “[criminalization without prohibition](#)” trend in responding to the use of these ethnobotanical materials is spreading, often accompanied by aggressive, sensationalist media coverage portraying ayahuasca drinking consistently in the illicit, black market, “drug-of-abuse” paradigm, or relating it to cult-like practices, ignoring its vast historic and contemporary cultural value to humankind and its potential as a psychotherapeutic and personal development catalyst and as a sacrament for spirituality.

[ICEERS’ Work: Towards a Constructive Legal and Political Approach](#)

Since 2010, ICEERS has increasingly been contacted by people who have experienced legal persecution for the possession or importation of ayahuasca. As there was an increased need for legal and technical support for these cases, this became an important

⁴ Anderson, B. T., Labate, B. C., Meyer, M., Tupper, K. W., Barbosa, P. C. R., Grob, C. S., et al. (2012). Statement on ayahuasca. *International Journal of Drug Policy*, 23 (3), 173-175.

⁵ See Bouso, J.C., dos Santos, R., Grob, Ch., da Siveira, D., McKenna D.J., de Araujo, D., Doering-Silveira, E., Riba, J. & Barbosa, P. (2013). *Technical Report about Ayahuasca*, Barcelona: ICEERS Foundation, and Bouso, J.C. (comp.) (2012). *Ayahuasca Scientific Literature Overview*, Barcelona: ICEERS Foundation.

activity of the Foundation and remains one of our key functions today. Although we gained a lot of expertise in this field, having been involved in the defense of around 25 cases, we decided last year that we should further cultivate and strengthen our involvement in dealing with the existing political and legal scenario, while promoting a shift towards a more constructive regularization of these ethnobotanicals.

In September 2014, ICEERS organized the [World Ayahuasca Conference](#) (AYA2014) in Ibiza (Spain), under the auspices of UNESCO. The grey legal and political area in which ayahuasca drinkers find themselves encouraged us to give the legal and political issues a prominent place within this Conference, which brought together more than 650 people, including shamans, psychologists, anthropologists, representatives from ayahuasca churches, lawyers, doctors, and drug policy experts from all over the world, as well as a few government representatives.

During the conference, a group of 25 renowned scientific, legal, and public policy experts established the Ibiza Expert Committee for the Regularization of Psychoactive Ethnobotanicals. The [AYA2014 Declaration](#) (attached below) is the consensus established by this group. It urges governing authorities and drug control bodies to reconsider the traditional and cultural value of ayahuasca drinking practices worldwide. The Declaration requests for political decisions to be based on scientific evidence and human rights and for the ceasing of legal prosecution of ayahuasca practices. By collaborating with representatives of the communities of people who drink ayahuasca, efficient self-regulation models and health protection can be promoted through joint public educational initiatives. Our commitment is to work towards de-stigmatization and the reduction of legal vulnerability of people drinking ayahuasca and to foster tolerance and a better understanding of legitimate ayahuasca practices.

We firmly believe that the range of beliefs and practices surrounding ayahuasca (which include the botanical knowledge, ritualistic elements and group processes, transmitted over generations) are of inestimable value not only for the communities that treasure these practices, but for humanity as a whole.

Through this letter, we aim to convey to the OHCHR and the 2016 UNGASS debates the issue of the legal vulnerability in which psychoactive ethnobotanicals uses are located nowadays, and the human rights violations suffered by the people using them within religious, cultural or therapeutic and personal development frameworks. **That is why we request the OHCHR to take the impact into consideration that the persecution of ayahuasca practices has on the full respect for the fundamental and universal rights to freedom of religion and thought⁶, the fundamental right of every human being to achieve the highest attainable standard of health enshrined in the World Health**

⁶ These rights are recognized in broadly ratified international instruments, such as the 1948 UNGA Universal Declaration of Human Rights (Art. 18), the 1950 European Convention on Human Rights (Art. 9) and the 1969 American Convention on Human Rights (Art. 12).

Organization (WHO)⁷ Constitution, and the freedom to choose ways and tools to facilitate physical and psychological well-being. In sum, we aim to convey that the ‘war on drugs’ must be halted, not only because its unintended consequences cause untold damage to individuals, families and communities, but also because it denies access to these ethnobotanical materials, fundamental in specific religious rites and in ancient ceremonial practices that have spread in our interconnected world and have become significant beyond their native contexts.

On the contrary, we believe that ayahuasca drinking practices should be respected, studied and legally protected, following the inspiration of political precedents such as the recognition of traditional ayahuasca practices as cultural heritage, awarded by Peru, or the framework established by the 2007 [United Nations Declaration on the Rights of Indigenous Peoples](#), whose Article 24 incorporate the right of indigenous people “to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals”.⁸

While hoping our contribution is useful for your research and report, I remain at your disposal for any additional information you may want to request.

I look forward to hearing from you.

Sincerely Yours,



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⁷ WHO, *The right to health*, Fact sheet N°323. Available at <http://www.who.int/mediacentre/factsheets/fs323/en/>

⁸ United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007.



2014 AVA Declaration Ayahuasca in the Globalized World

In September 2014, approximately 650 people from over 60 different countries attended the World Ayahuasca Conference in Santa Eulària des Riu, Ibiza, Spain. At this conference, a group of 40 scientific, legal, and public policy experts met to discuss how ayahuasca drinking practices can be better understood, respected and protected as international interest in the brew spreads in the 21st century. The conference formed an Expert Committee for the Regularization of Psychoactive Ethnobotanicals. The following is the consensus declaration of this group: a call for governments to work towards creating a constructive legal and human rights-based foundation for ayahuasca drinking.

Every human being should be free to choose ways and tools that facilitate healthy personal growth and spiritual development, to overcome mental or physical illness, and to nurture individual flourishing, social bonding and family life, as well as to cultivate spiritual meaning. Moreover, at a time when humans collectively are living on the precipice of social, environmental and economic crisis, it is vital that intercultural dialogue and holistic policies promote a sustainable existence for our species, embracing our diversity in a world with interconnected societies, in harmony with the planet and its other inhabitants. It is intrinsic to the evolution of humankind to seek new methods, and to improve those we have at hand, to effectively reach these goals.

Unfortunately, this seems not to apply when it comes to certain tools of ethnobotanical nature utilized for centuries by indigenous and pre-modern societies in ceremonial practices, passed on orally from generation to generation. One of these, ayahuasca (a brew made from the stems of the *Banisteriopsis caapi* vine and the leaves of the *Psychotria viridis* bush), has played a quintessential role in the spiritual, medical and cultural traditions of peoples who have inhabited the upper part of the Amazon basin. In the past few decades, various traditions and new modalities of ayahuasca drinking have been taken up beyond the frontiers of the Amazon, embarking on a new multi-cultural symbiosis.

For centuries, industrialized societies have been in general repressive and intolerant towards plants with psychoactive properties, mistakenly interpreting their use as diabolical, destructive and addictive. However, recent medical and social scientific evidence shows that this long-standing cultural prejudice is misguided, and plants such as ayahuasca are gaining increased recognition for their potential role in psychotherapeutic processes, spiritual growth, and the improvement of interpersonal relations.⁹

The various emerging practices of ayahuasca drinking resist traditional conceptualizations and categorizations of illegal drug “abuse” as defined by the dominant international drug control regime. Equating the ritualistic, religious and therapeutic uses of ayahuasca to the problematic uses of controlled drugs like opiates, cocaine or methamphetamine—or treating people who lead ayahuasca ceremonies as “drug traffickers” involved in illegal markets—is misinformed, not based on evidence, and contributes to confusion about the human-rights based legitimacy of these practices.¹⁰

Moreover, scientific evidence shows that ayahuasca does not lead to chronic and problematic patterns of use (i.e., addiction), that its use does not generate pharmacological tolerance and that it has an acceptable physiological and psychological safety profile in controlled settings.¹¹ Also, its emetic effects—traditionally considered a crucial aspect of its spiritual and healing properties—along with the often profound introspective experience it induces, usually have positive health and behavioural outcomes among regular drinkers.

For a significant and rapidly increasing population in various parts of the world, drinking ayahuasca is the way people choose to promote spiritual and personal development, overcome suffering and deepen their relationship with themselves, their families, their environment and planet Earth. However, to many drug control bodies, such as the International Narcotics Control Board, as well as law enforcement officers, legal prosecutors and judiciaries of individual countries, ayahuasca drinking is often mistakenly regarded as a new way to get high, an inauthentic spiritual practice, a destructive drug addiction, and a threat to public health and moral order that requires repressive measures.

In 2010, the INCB affirmed that “no plant or concoction containing DMT, including ayahuasca, is currently under international control”. However, the Board added that “some countries may have decided to apply control measures to the use and trade of ayahuasca,

⁹ Labate, B. C., & Cavnar, C. (Eds.). (2014). *The therapeutic use of ayahuasca*. Heidelberg: Springer.

¹⁰ Tupper, K. W., & Labate, B. C. (2012). Plants, psychoactive substances and the International Narcotics Control Board: The control of nature and the nature of control. *Human Rights and Drugs*, 2 (1), 17-28.

¹¹ Bouso, J.C., dos Santos, R., Grob, Ch., da Siveira, D., McKenna D.J., de Araujo, D., Doering-Silveira, E., Riba, J. & Barbosa, P. (2013). *Technical Report about Ayahuasca*, Barcelona: ICEERS Foundation.

due to the *serious health risks* that the use of this preparation carries.”¹² Coinciding with the INCB raising political alarm regarding ayahuasca and other psychoactive plant materials in their 2010 and 2012 Annual Reports,¹³ and following a trend started in the mid-1990s, a series of arrests across Europe and abroad were conducted to signal intolerance for ceremonial ayahuasca drinking practices. It seems realistic to state that national (in individual states) or even international prohibition of ayahuasca is now a distinct future possibility.¹⁴

We have followed closely the legal and court cases pertaining to many of the different ayahuasca drinking communities and have witnessed how tragic and damaging this oppression can be to those involved.

Therefore, *we ask* governments, policy-makers, legal prosecutors, judges and law enforcement officials to take the traditional and cultural value of ayahuasca drinking practices worldwide into account, basing their policies and decisions on the scientific evidence and the human rights described above. *We ask* for an end to the legal prosecution of these practices and instead for governments to collaborate with representatives of the communities of people who drink ayahuasca, facilitating efficient self-regulation models, health promotion and harm reduction, and public educational initiatives. *We ask* judges of ayahuasca-related court cases to take the INCB statement on the international legal status of ayahuasca into account: In this case *DMT in the ayahuasca brew occurs in its natural form, and thus is not under international control according to the official interpretation of the 1971 Convention on Psychotropic Substances*.¹⁵

It is equally important to note that the potential benefits of plants such as ayahuasca are tempered by the potential for harm, if they are not used responsibly. *We remind* people who drink ayahuasca, and especially those who lead ayahuasca ceremonies, that they assume a responsibility to do so with the knowledge, intention, and duty of care to maximize benefits and minimize risks. Unethical behavior and criminal incidents cannot be tolerated and should always be reported, so that collectively the ayahuasca drinking community can continue to facilitate self-regulation and preserve the integrity of their practices.

¹² Letter sent to ICEERS by the INCB in 2010, available at http://iceers.org/Documents/ICEERS_site/Letters/INCB/INCB_Response_Inquiry_ICEERS_Ayahuasca_2010.pdf

¹³ INCB Annual Report 2010, par. 286; INCB Annual Report 2012, par. 329-330.

¹⁴ Labate, B. C., & Jungaberle, H. (Eds.). (2011). *The internationalization of ayahuasca*. Zürich: Lit Verlag.

¹⁵ Lande, A. (1976). *Commentary on the Convention on Psychotropic Substances, done at Vienna on 21 February 1971*. New York: United Nations.

In conclusion, and following a previous statement by academic experts,¹⁶ *we urge* regulatory authorities to demonstrate tolerance based on the fundamental and universal rights to freedom of religion and thought¹⁷, together with the freedom to choose ways and tools to facilitate physical and psychological well-being, and thus to grant ayahuasca drinking communities the necessary degree of legal freedom and respectful engagement for them to continue evolving into safe and responsible contributors to today's multicultural and globalizing society.



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www.aya2014.com/en/aya2014-declaration

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¹⁶ Anderson, B. T., Labate, B. C., Meyer, M., Tupper, K. W., Barbosa, P. C. R., Grob, C. S., *et al.* (2012). Statement on ayahuasca. *International Journal of Drug Policy*, 23 (3), 173-175.

¹⁷ These rights are recognized in broadly ratified international instruments, such as the 1948 UNGA Universal Declaration of Human Rights (Art. 18), the 1950 European Convention on Human Rights (Art. 9) and the 1969 American Convention on Human Rights (Art. 12).

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