



Doc. 15724

09 March 2023

Addiction to prescribed medicines

Reply to Recommendation¹: Recommendation 2233 (2022)

Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2233 \(2022\)](#) “Addiction to prescribed medicines” and forwarded it to the Council of Europe International Co-operation Group on Drugs and Addictions (Pompidou Group), to the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), to the Governmental Committee of the European Social Charter and European Code of Social Security (GC), to the European Committee of Social Rights (ECSR) and to the European Committee for Social Cohesion (CCS), for information and possible comments. It welcomes the attention given to this important issue.

2. The Committee of Ministers underlines that a public health and human rights centred approach is essential for effective and humane responses to drugs and addictions and related disorders, as reaffirmed in the Lisbon Declaration of the 18th Ministerial Conference of the Pompidou Group which took place in December 2022. It recalls that, in June 2021, member States of the Pompidou Group adopted a revised statute which extended the scope of the Group’s work to include addictive behaviours related to illicit substances and new forms of addictions.

3. As an introductory comment, the Committee of Ministers notes that whilst the title of the recommendation focuses on “addiction to prescribed medicines”, paragraph 2.1 refers to several different issues, such as patients’ rights, effective access, essential medicines and dependency² which are all important elements to consider with regard to this topic. Furthermore, the Committee of Ministers would suggest that, within a Council of Europe framework, stigmatising language in respect of substance use disorders be avoided in line with the recommendations of health care professionals and drug policy experts.³

4. The Committee of Ministers underlines that Article 11 of the European Social Charter (ESC) enshrines the right to the highest possible standard of health which includes, on one hand, the right of access to health care, including the right to effective access and availability of medicines, and on the other hand the prevention of any health risks such as the potential harmful effects of psychoactive substance use. These two aspects – access and prevention – are essential to achieve the highest attainable standard of physical and mental health, free of dependency or addiction. Under Article 11 of the ESC, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity in accordance with the definition of health in the Constitution of the World Health Organisation (WHO).⁴

1. Adopted at the 1457th meeting of the Ministers’ Deputies (22 February 2023).

2. The word “dependency” should be included in the title of the recommendation in English and not just the word “addiction”. Indeed, patients using certain medicines, such as opioids, which are prescribed by their doctors, may not realise they are addicted, as their withdrawal symptoms often present as pain/anxiety/nausea and they associate this with being under-dosed rather than in withdrawal.

3. Examples of this approach can be found in the Pompidou Group’s publication “[Opioid agonist treatment – Guiding principles for legislation and regulations](#)” or the Global Commission on Drug Policy 2017 report “[The World Drug Perception Problem: Countering Prejudices About People Who Use Drugs](#)”.

4. *Transgender Europe and ILGA Europe v. Czech Republic*, Complaint No. 117/2014, decision on the merits of 15 May 2018, § 71.



5. Through its monitoring procedures, the ECSR has already addressed the effective access and availability of prescribed medicines as an integral part of the right of access to health care (under Article 11§1 of the ESC) and certain aspects of substance use (under Article 11§3 of the ESC). Substance use can be problematic and the responses and policies related to that phenomenon can have a considerable impact on social rights and, more particularly, on the enjoyment of a wide range of the rights protected under the ESC. In its 2020 request to the States Parties to the Charter for national reports on Group 2 provisions (for Conclusions 2021 on health, social security and social protection),⁵ the ECSR formulated various general observations and asked targeted questions about national policies designed to respond to substance use and related disorders (dissuasion, education, and public health-based harm reduction approaches, including use or availability of WHO listed essential medicines for opioid agonist treatment) while ensuring that the “available, accessible, acceptable and sufficient quality” criteria (WHO’s 3AQ) are respected, subject always to the exigency of informed consent (see ECSR, Conclusions 2021, Article 11§3).

6. The Committee of Ministers agrees with the importance of respect of patient rights as laid down in the Convention on Human Rights and Biomedicine, which include the right to equitable access to healthcare of appropriate quality, laid down in Article 3 of the Oviedo Convention. Medicinal products are essential component of health care. It wishes to underline, in this context, the work currently carried out in the framework of its Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025), in particular in relation to equitable access to healthcare, and the Recommendation [CM/Rec\(2023\)1](#) of the Committee of Ministers to member States on equitable access to medicinal products and medical equipment in a situation of shortage, adopted on 1 February 2023.

7. In response to the specific recommendation of the Assembly in paragraph 2.1 to consider issuing a recommendation on the rights of patients in relation to the use of prescribed medicines, the Committee of Ministers considers this a relevant proposal and will bear it in mind when examining the future programme and budget of the Organisation.

8. In response to paragraph 2.2, the Committee of Ministers supports the Assembly’s call for relevant Council of Europe bodies work closely with the WHO in this area, including on the possible drafting and issuance of guidance on prevention, identification, management and treatment of problematic use of prescribed medicines at global and/or Council of Europe level.

5. Questions on Group 2 provisions (Conclusions 2021), Health, social security and social protection <https://rm.coe.int/appendix-questions-rev-charter-2021/16809efaf1>.