

Drugs Policy and Human Rights: Recent trends, developments and challenges at the United Nations

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United Nations Secretary-General António Guterres

(Message for the International Day Against Drug Abuse and Illicit Trafficking 2017)



“The UNGASS follow-up process provides us with an institutional framework to learn from each other and share best practices.”

It is vital that we examine the effectiveness of the War on Drugs approach, and its consequences for human rights.”



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United Nations system
**Chief Executives Board of
Coordination**

UN SYSTEM COMMON POSITION

**On supporting the implementation of the
international drug control policy through effective
inter-agency collaboration**

7 November 2019



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Shared Principles (UN System Common Position)

Developing and implementing
Truly balanced, comprehensive, integrated, evidence-based,
human rights-based,
development- oriented, and sustainable
responses to the world drug problem, within the
**framework of the 2030 Agenda for
Sustainable Development .**



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Common Values with Human Rights implications (UN System Common Position)



International drug control conventions, international human rights treaties, and other relevant instruments, and the 2030 Agenda for Sustainable Development are complementary and mutually reinforcing

Scope and Purpose (UN System Common Position)

➤ No one is left behind



➤ To speak with one voice



Directions for action (UN System Common Position)

Human Rights and Public Health

- Support the development and implementation of policies that **put people, health and human rights at the centre**
- Promote a **rebalancing of drug policies** and interventions towards public health approaches
- Ensure the **respect for the dignity and human rights for people who use drugs** in all aspects of drug and social policies,
- Ensure **equal access by people who use drugs to public services** including housing, health care and education



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A concern: **Compulsory drug rehabilitation centres**



Human Rights Committee (the UN treaty Body which monitored the International Covenant on Civil and Political Rights) is concerned about **the situation of drug users confined to drug rehabilitation centres, who are allegedly subjected to compulsory detoxification treatment and forced labour.**

CCPR/2019



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Human Rights Committee's Recommendations

- Ensure that all persons detained in connection with drug addiction problems are **treated with humanity and respect for the inherent dignity of the human person**;
- Pursue a **comprehensive review of relevant laws, policies and practices** vis-à-vis drug-dependent persons, particularly those deprived of their liberty in compulsory drug rehabilitation centres, with a view to bringing them into full compliance with the Covenant, including by **ending the use of forced labour in such rehabilitation centres**;
- Introduce an **effective mechanism with formal authority to decide on complaints** of persons deprived of their liberty in compulsory drug rehabilitation



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Directions for action



Criminal Justice Responses & Human Rights

- Promote **alternatives to conviction and punishment** in appropriate cases,
- Promote **decriminalization** of drug possession for personal use,
- promote the **principle of proportionality**;
- Address **prison overcrowding** and **over-incarceration** by people accused of drug crimes;

Directions of Action

- Support implementation of **effective criminal justice responses** that ensure
- **Legal guarantees and due process** safeguards pertaining to criminal justice proceedings
- Timely access to **legal aid** and **the right to a fair trial**;
- **Practical measures to prohibit arbitrary arrest** and detention and torture



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Recent Development @ Human Rights Council



In September, the Council adopted a resolution (A/HRC/42/22) requesting

United Nations Working Group on Arbitrary Detention to prepare

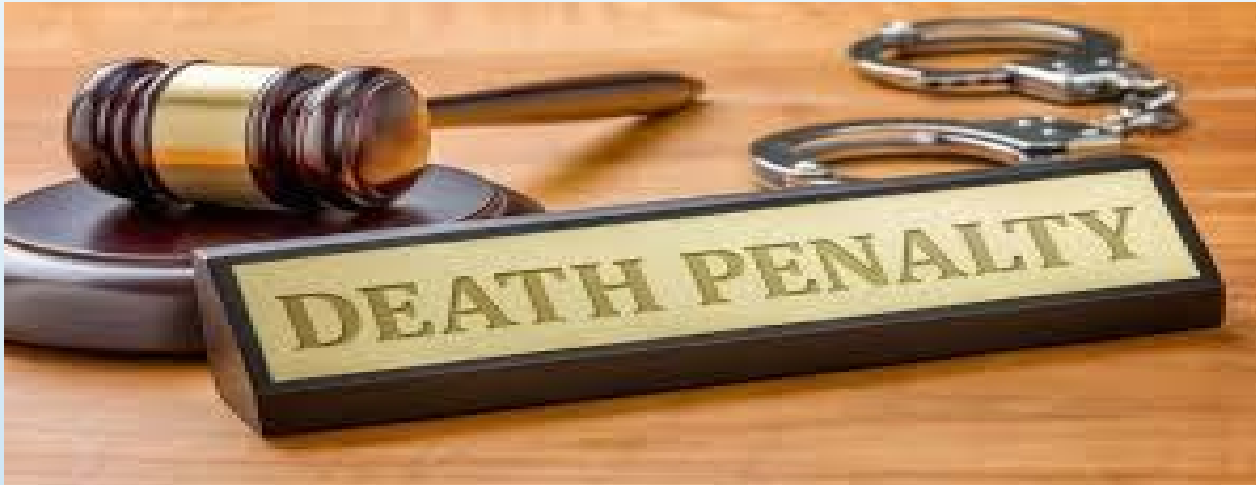
A study on arbitrary detention related to drug policies to ensure that upholding the prohibition thereon is included as part of an effective criminal justice response to drug-related crimes

in accordance with the recommendation on this issue contained in the **outcome document of UNGASS2016.**



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A serious human rights concern



A wide range of drug-related offences are punishable by death, in over 30 States, in contrary with the international human rights law.

Directions of Action (UN System Common Position)

- Cooperate to **address impunity for serious human rights violations** in the context of drug control efforts

(Outcome Document of UNGASS2016 recommended to address impunity, recommendation 4(0))



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Directions of Action

Non-Discrimination Policies



- **Assist Member States in implementing non-discriminatory policies, including with regard to ethnicity, race, sex, language, religion, or other status**

UN Working Group on People of African Descents



Fight against world drug problem must address unjust impact on people of African descent

(Statement issued in March 2019)

Working Group on discrimination against women and girls



- **Women's rights must be central in drug policies**
- **Drug policies cannot be effective without addressing the root causes of structural inequality and discrimination**
- **The drastic rise in the number of women in prison globally, convicted of drug-related offences, is alarming development**

Directions of Action

Civil Society and Communities



- Promote the active involvement and participation of civil society and local communities, including people who use drugs, as well as women and youth

Protection from threat, intimidation and reprisal.

RECENT UN REPORT ON SERIOUS HUMAN RIGHTS VIOLATIONS

This special report examines the impact on civilians of United States' airstrikes on alleged drug-processing facilities in Afghanistan and determines that the operation caused a large number of civilian casualties.

KEY FINDINGS

The UN verified 39 civilian casualties, among them 14 children and one woman, from multiple airstrikes on more than 60 sites that identified as drug-production facilities

According to international humanitarian law, including international customary law, facilities that contribute economically or financially to the war effort of a party to a conflict are considered civilian objectives.

The United Nations maintains that considering these objects and individuals legitimate targets dangerously erodes the fundamental principle of distinction, placing the broader civilian population and infrastructure at risk.



RORORT'S ECOMMENDATIONS

Under take the appropriate – and legal – response to illicit drug activity is through law enforcement, not military operations that endanger civilians.

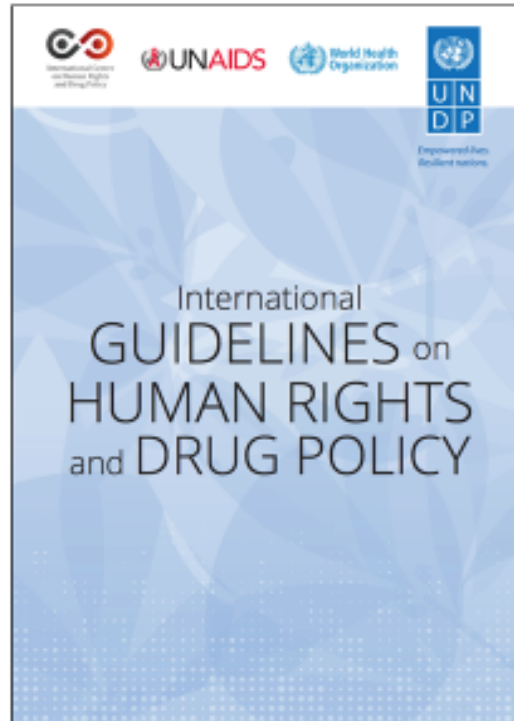
Conduct an independent and transparent investigation to examine the impact on civilians from the 5 May operation and to make public the findings as well as measures taken to ensure accountability, including the appropriate redress provided to victims and their family members.

Cease aerial bombardments and other military operations targeting drug production facilities and associated workers;

Strengthen the exchange of information and, as appropriate, drug-related criminal intelligence with Afghan law enforcement agencies as a means of maximizing the effectiveness of law enforcement responses to illicit drug activity.



A NEW TOOL



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PEOPLE WHO USE DRUGS DO NOT LOSE THEIR HUMAN RIGHTS



Decriminalize the personal use and possession of drugs.



End the death penalty for drug-related offences.



Ensure harm reduction measures are available to drug users, including in prisons.



End impunity for those responsible for **extrajudicial killings** and **torture of drug suspects**.



Ensure proportionate sentencing of people convicted of drug-related offences.



End prosecution of children for drug offences.



Prefer alternatives to imprisonment for minor, non-violent offences.



Allow indigenous peoples to use drugs when part of their **traditional or religious practices**.



End discrimination and stigmatisation of drug users.



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THANK YOU



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