Chairperson,
Excellencies,
Ladies and gentlemen,

As preparations for UNGASS 2016 are in their final phase, OHCHR would like to make some observations on the draft outcome document, consistent with its human rights mandate.

While there are certainly positive features of the draft outcome document, there are a number of human rights issues which have either not been adequately addressed, or not addressed at all.

Let me start with the right to health,

In the draft outcome document, while there is reference to efforts to protect the health of human beings, there is no reference to the right to health that is set out in the International Covenant on Economic, Social and Cultural Rights.

Although some important harm reduction measures such as opioid substitution therapy and syringe exchange programmes are mentioned in the draft outcome document, and this is positive, there is no reference to harm reduction by name which includes additional measures other than those stated in the document. The Special Rapporteur on the right to health and the Committee on Economic, Social and Cultural Rights have found that harm reduction is a fundamental component of the right to health for drug dependent persons; and harm reduction has also been endorsed by WHO and UNAIDS.

While there is reference to health care and treatment in the draft outcome document, there is no discussion of access to health care and the obstacles that are created by the criminalization of drug use. As noted by the Special Rapporteur on the right to health, drug users may refrain from seeking health information and care for fear of arrest, detention or treatment against their will. Because of these fears, they may not seek assistance from health professionals on how to safely prepare and inject drugs. Lack of access to health information and care can also increase the risk of infection, vascular accidents and drug overdose. OHCHR notes that some States have decriminalized the personal use and possession of drugs for these reasons, and several UN entities, including OHCHR, have called on States to consider decriminalizing the personal use and possession of drugs to reduce these obstacles to accessing the right to health.
Turning to criminal justice issues,

The draft outcome document makes no reference to the use of the death penalty for drug-related offences, even though the Human Rights Committee, other human rights mechanisms, the High Commissioner for Human Rights and the Secretary-General have all found that the imposition of the death penalty for drug-related offences does not meet the threshold of the most serious crimes provided for in article 6 of the International Covenant on Civil and Political Rights, and which is required for the imposition of the death penalty.

In the language of the draft outcome document relating to law enforcement, there is also no acknowledgement that there have been human rights violations, such as arbitrary arrest and detention, torture and ill treatment, or extrajudicial killings of drug suspects. There is also no reference to the obligation of States to investigate and prosecute serious human rights violations committed by law enforcement. It is important to acknowledge there have been serious human rights violations in drug enforcement operations, if these violations are to be addressed and appropriate action taken, to avoid a situation of impunity.

Concerning the prohibition of discrimination,

The draft outcome problem does not specifically address the discrimination experienced by ethnic minorities and women, who have been particularly targeted in drug enforcement operations and who have been disproportionately sentenced to prison. It fails to note that a conviction for drug use, or any other minor, non-violent drug-related offence, can create obstacles to obtaining employment, adversely affect government benefits such as access to public housing, food assistance or student financial aid, thereby further isolating such persons from society and encouraging their stigmatization.

Concerning the rights of the child,

The draft outcome document does not include the recommendation of the Committee on the Rights of the Child that children who use drugs should not be subject to criminal prosecution, and that responses should instead focus on health education, treatment, and social re-integration. As former Secretary-General Kofi Annan said at an event in Geneva on 19 May 2015, “A criminal record for a young person for a minor drug offence can be a far greater threat to their well-being than occasional drug use.”

Concerning the rights of the indigenous peoples,

OHCHR has recommended that indigenous peoples should have the right to follow their traditional, cultural and religious practices, including the use of controlled substances where it has been part of their practices, and notes that this issue has not been addressed in sufficient detail in the draft outcome document.

Chairperson, this concludes my remarks. Thank you.