

**Statement of the Delegation of Portugal**  
**on the thematic discussion on the implementation of the UNGASS outcome**  
**document – *Operational recommendations on human rights, youth, children,***  
***women and communities***  
*Vienna, 23 January 2017*

Thank you, Mr. Facilitator,

The relation between Human Rights and drugs policies is sometimes portrayed as a tension or a mutually excluding choice. However, States are not confronted with a choice between following the rules of the international drug control system or respecting, protecting and fulfilling the Human Rights of all individuals. As we have frequently stated in the past, we firmly believe that the current international legal framework allows us to pursue more humane and effective drugs policies.

Although the interaction between Human Rights and drugs policies is a long and thoroughly studied topic, it was frequently kept at the margins of our debates and decisions over the years. The outcome document of UNGASS brought it to the center of our discussions by dedicating one of its seven thematic chapters to important recommendations in that field.

This is a very good example of an area in which the heightened focus provided by the UNGASS must be accompanied by an effort to complement and expand existing tools and activities. As the leading policy-making body of the United Nations on international drugs policy, the CND can and must give due attention to all aspects of the implementation of the UNGASS outcome document, including in this area of human rights.

In this session, we would like to give our initial contribution to the reflection on ways to better implement recommendations in some of the areas mentioned in the thematic chapter on human rights.

Firstly, the importance of **mainstreaming a gender perspective in drug policies**, addressed in paragraphs 4.a and n of the outcome document. Important work has been done by the UNODC in recent years to collect and analyze gender disaggregated data in a way that helps us to provide better responses to the specific conditions and vulnerabilities of women in the access to treatment, during imprisonment or in other areas. That path should be continued and deepened with a view of providing States with the necessary tools to adapt their interventions.

Secondly, the **request to States to consider providing the CND with information concerning the promotion of human rights** and the health, safety and welfare of all individuals, communities and societies (paragraph 4.h). More data in that field should be collected, analyzed and disseminated through the publications produced by the UNODC and other organizations.

Thirdly, the **promotion of alternatives to conviction or punishment** (paragraph 4. J). This is an area that will deserve enhanced attention in the future, as States and the international community gradually increase their understanding of the negative impact of punitive approaches on the efforts to direct more individuals with drug use disorders to voluntary treatment, to combat stigmatization and marginalization and to reduce HIV/AIDS and other blood borne diseases among injecting drug users. The CND should promote the exchange of information and best practices among its members on the different legal and administrative mechanisms at their disposal in this field.

Lastly, the promotion of **proportionate national sentencing policies** (paragraphs 4. K and I). That applies not only to the field of the alternatives to incarceration and punishment for drug users, that I've just mentioned, but to all other drug related offences. No topic, however difficult or divisive should be excluded from the open dialogue that we want to have here in Vienna. We strongly oppose the application of the death penalty in all circumstances, including for drug related offences. Data and information on its use should be collected and disseminated, allowing us to better understand the global situation and promote its future replacement by more proportionate and humane criminal justice responses to serious drug related offences.