



**62nd Session of the Commission on Narcotic Drugs
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Statement delivered by

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Excellencies

Distinguished delegates

The Office of the United Nations High Commissioner for Human Rights (OHCHR) thanks the Commission on Narcotic Drugs for inviting the Office to speak at the High Level Ministerial Segment of 62nd session of the Commission.

OHCHR welcomes the commitment of all United Nations Member States “to respect, protect and promote all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies”.¹

In the Ministerial Declaration, adopted yesterday, UN Member States expressed concern regarding ‘responses that are not in conformity with applicable international human rights obligations’. Such responses ‘represent a challenge to the implementation of joint commitments of States based on the principle of common and shared responsibility’.²

Punitive drug policies continue to be used in many States, despite being ineffective in reducing drug trafficking or addressing non-medical drug use and supply. Such policies continue to undermine the human rights, public health and wellbeing of persons who use drugs, as well as of their families and communities.

Evidence shows that the so-called “war on drugs” has failed to address the drug problem. Abusive, repressive, and disproportionate drug control policies and laws are counterproductive, while also violating human rights, undercutting public health, and wasting vital public resources.

In its 2018 Annual Report,³ the International Narcotic Control Board (INCB) noted with serious concern that in several countries extrajudicial acts of violence endorsed by senior State officials, continue to be perpetrated against persons suspected of drug-related activities. The INCB reminded the concerned States of their obligations to respect the rule of law and due process when carrying out their obligations under drug conventions.⁴ OHCHR welcomes the Board’s these findings and recommendations.

In her 6 March statement to the Human Rights Council, the High Commissioner for Human Rights stated, “People who have fallen into the trap of drug reliance need help to rebuild their lives; drug policies should not be more of a threat to their lives than the drugs they are abusing”. The High Commissioner emphasized that drug policy of a

¹ See Ministerial declaration on “Strengthening our actions at the national, regional and international levels to accelerate the implementation of our joint commitments to address and counter the world drug problem”, adopted on 14 March 2019, Vienna; See also UNGASS Outcome Document 2016, Chapter 4.

² Ibid, page 3

³ Published on 5 March 2019

⁴ The 2018 Annual Report of the International Narcotic Control Board, 5 March 2019, Vienna; available at www.incb.org/documents/Publications/AnnualReports/AR2018/LAUNCH/Special_topics_AR_2018_No1.pdf

country that lacks of respect for the rule of law and international human rights standards should not be considered a model by others.⁵

Dear Chairperson,

Well-designed drug policy interventions, consistent with human rights norms and principles, can address the vulnerability of people or communities affected by the drug problem, including people who use drugs. However, if drug policies are not based on human rights standards and solid evidence then they can have a counterproductive effect on development.

The cross-cutting approach of UNGASS 2016⁶ constitutes a new and better linkage of the objective of drug-control – protection of the health and welfare of humanity – with the key priorities of the UN system, including human rights, peace and security and the Sustainable Development Goals.

The 2030 Agenda for Sustainable Development is putting people, health and human rights at the centre of sustainable development. Drug policy is intertwined with sustainable development. The implementation of the SDGs should help to shape the nature and dynamic of responses to the drug problem- that are consistent with human rights.

Distinguished delegates,

In September 2018,⁷ OHCHR submitted a report on the implementation of the UNGASS 2016 joint commitments of States to effectively address and counter the world drug problem from human rights perspectives.⁸ OHCHR has also shared the report with this Commission.⁹ Some of the recommendations of the report are as follows:

- People who use drugs should be treated with dignity and humanity in treatment centres. Harm reduction and evidence-based treatment should be available. Treatment should take place on a voluntary basis with informed consent. Treatment centres should be rigorously and independently monitored for human rights compliance and allegations of ill treatment should be properly investigated.
- A major obstacle to accessibility to healthcare and treatment is the criminalization of personal use and possession of drugs. Laws that criminalize or prohibit personal drug use or the possession of drugs for personal use should

⁵ Statement of the High Commissioner for Human Rights on major human rights situations around the world, Human Rights Council, 6 March 2019, Geneva, available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E

⁶ <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>

⁷ Human Rights Council Resolution 37/42

⁸ A/HRC/39/39

⁹ https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/A_HRC_39_39.pdf

be reviewed and repealed.¹⁰ Mandatory minimum sentences for drug-related offences should be replaced by sentencing guidelines that are proportionate. It should give flexibility to judges to consider on alternative and non-custodial measures. The death penalty should be abolished for all crimes, including for drug offences.

- States' drug policies should address the specific needs of women¹¹, children and youth, and members of groups in a situation of vulnerability such as minorities, people of the African descent,¹² indigenous peoples, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons. Civil society organizations and affected communities should be included in the development, implementation and monitoring of drug control laws and policies.

Dear Chairperson,

In concluding, I would like to highlight that United Nations human rights mechanisms, including human rights treaty bodies and special procedures and the UPR mechanisms of the Human Rights Council, regularly address human rights issues related to drug control efforts. Indeed, OHCHR's report discussed recommendations made by these mechanisms.

OHCHR encourages States- and other actors involved in addressing the world drug problem, such as this Commission and INCB- to consider the findings, views and recommendations of United Nations human rights mechanisms, and encourage States to fully implement those recommendations.

OHCHR stands ready to support States and other stakeholders, including civil society organisations, in promoting and protecting human rights while addressing drug problems, and in implementing human rights commitments included in Chapter 4 of the UNGASS 2016 of the Outcome Document.

Thank you.

¹⁰ See Joint Statement of 12 UN Agencies; www.who.int/gender-equity-rights/knowledge/ending-discrimination-healthcare-settings.pdf

¹¹ See the Statement of UN Working Group on the issue of discrimination against women in law and in practice, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24330&LangID=E>

¹² See the Statement of Working Group of Experts on People of African Descent <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24332&LangID=E>