

RECOMMENDATIONS TO STATES ON STEPS TO ENSURE HUMAN RIGHTS IN DRUG POLICY

AT THE CND HIGH-LEVEL MINISTERIAL SEGMENT ON ADDRESSING AND COUNTERING THE “WORLD DRUG PROBLEM” AND ITS REGULAR SESSION

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The process conducted in 2018 by the Commission on Narcotic Drugs (CND) to assess the implementation of the “joint commitment to effectively addressing and countering the world drug problem”, adopted after the UN General Assembly Special Session on drugs in 2016, has been an important opportunity for States and other stakeholders to evaluate and critically assess the impact drug policies have had on human rights.

Governments have an important opportunity during the 2019 High-level Ministerial Segment and the CND regular session to ensure that the next decade in international drug policy is strongly grounded in human rights principles to ensure that drug control efforts are effectively designed to protect people and do not result in further harm.

Amnesty International is calling on all UN Member States to ensure that the Ministerial Declaration adopted at the conclusion of the High-level Ministerial Segment contains strong language to ensure that human rights will be respected and protected during the design and implementation of drug policies and that States’ obligations under international human rights law are upheld in all drug-related matters.

RECOMMENDATIONS TO UN MEMBER STATES ON STEPS TO PROTECT HUMAN RIGHTS AT THE CND’S HIGH-LEVEL MINISTERIAL SEGMENT AND REGULAR SESSION

- **Incorporate strong language on human rights and highlight State’s obligations under international human rights law while designing and implementing drug policies.** The Declaration must have clear references to States’ obligations to comply with their obligations under international human rights law in the design and implementation of drug policies. The Ministerial Declaration should not backtrack from language adopted in previous UN resolutions stating that the implementation of the UN Drug Conventions will be done in accordance with applicable human rights obligations.
- **Recognize the UNGASS 2016 Outcome Document as the basis for the next phase of international drug policy.** As established in CND Resolution 60/1, the UNGASS outcome document represents “the most recent consensus” on drug policy. The Declaration should therefore contain an explicit reference to the agreements achieved during the UNGASS 2016 as the basis for the design and implementation of drug policies and should propose a mechanism for the design of new indicators to evaluate the success of drug policies, in conjunction with relevant UN agencies and civil society, that is focused on the impact of drug policies on people and communities.
- **Ensure that the goals set in the 2009 Political Declaration and Plan of Action on drugs are not extended nor renewed.** The risks of renewing the goals set in 2009 are too high as these could serve as a justification for many countries to continue violating human rights in the name of drug control and could deter countries from adopting alternative and non-punitive drug policies that would better protect people.

- **Promote wider engagement of OHCHR and other UN agencies in the development, implementation and evaluation of drug policies.** A wider engagement of regional and international human rights mechanisms, including OHCHR and other UN agencies, with the Commission on Narcotic Drugs and other drug control bodies is needed to ensure that drug control policies are compliant with international human rights law and standards. The Declaration should establish the procedures to deepen the engagement and participation of these mechanisms in the design, implementation and evaluation of drug policies, both at the national and international level.
- **Express concern and strongly condemn the continued application of the death penalty for drug-related offences.** While the use of the death penalty, including for drug-related offences, continues to decline and more States have moved to abolish it from national legislation, the use of this punishment to protect people from drug-related harm has continued in a small number of countries. This is not only ineffective, but also violates international human rights law and standards. The international community and UN bodies have long recognized the death penalty as a human rights issue, including by posing restrictions to its use and setting out safeguards that must be observed in all capital cases to guarantee protection of the rights of those facing the death penalty. Further dialogues on this issue and strong statements by UN Member States, CND and UNODC against the use of this punishment, including for drug-related offences, would go a long way in supporting new moves towards the full abolition of the death penalty.

More than 50 years of drug control policies based on prohibition and criminalization have left a legacy of violence, disease, mass incarceration, suffering and abuse around the world. Over the years, Amnesty International and multiple other national, regional and international human rights mechanisms and organizations have documented numerous human rights violations that have taken place across the world as a direct consequence of the implementation of repressive drug control policies and drug enforcement operations. Such violations include the use of the death penalty for drug-related offences, police abuses, discrimination, torture and other ill-treatment, arbitrary detentions, inhumane conditions of detention and violations of economic, social and cultural rights, including the right to health.

By adopting a Declaration that is strongly grounded in human rights, States have an opportunity to ensure that the protection of people's health and human rights are at the centre of drug policies.