

**61th Session of the Commission on Narcotic Drugs
12 to 16 March 2018, 10 a.m. and 3 p.m.
Vienna International Centre**

Item No. 3 General Debate

Statement delivered by

**Zaved Mahmood
Rule of Law and Democracy Section, OHCHR**



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

13 March 2018, Vienna

Chairperson
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 under item 3 during the General Debate of the 61st Session of the Commission.

The United Nations, its agencies and Member States are bound by overarching obligations under articles 1, 55 and 56 of the UN Charter to promote “universal respect for, and observance of, human rights and fundamental freedoms.”

The **cross-cutting UNGASS 2016 approach** 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 the Sustainable Development Goals. In his last week’s statement to the Human Rights Council on global update of human rights concerns, the High Commissioner for Human Rights encouraged the continuation of this structure for future UN drug policy debates.¹

OHCHR stands ready to provide **support to States and other stakeholders**, including civil society organisations, for the promotion and protection of human rights in addressing drug problems, and in the implementation of human rights commitments included in the Chapter 4 of the UNGASS Outcome Document 2016.

In Colombia, OHCHR, in partnership with UNODC and the national authorities are currently working on a joint project for the inclusion of a **human rights-based approach** in Colombian national drug policy.

In its 2014 report on prison conditions in Tunisia, the Office recommended, *inter alia*, that Tunisia reform its drug policy to adopt the principle of progressive sanctions for crimes of drug consumption, particularly for first time offenders. In April 2017, the Tunisian parliament adopted an amended version of its national drug law;² which now allows judicial discretion in sentencing for drug consumption, including the possibility of imposing alternative measures, such as suspended sentence or a fine. This constitutes a welcome development and is expected to have a significant impact on reducing prison overcrowding in the country.³ OHCHR will continue to advocate for wider review of Tunisian drug law and policy; and provide technical support to Tunisian authorities for the further inclusion of human rights based approach to the national drug law and policy.

Last month, with the support of the Government of Germany, OHCHR convened an expert seminar in Bangkok on “**Drug-related Offences, Criminal Justice Responses**

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E>

² Tunisian Organic Law 92/52 on Narcotic Drugs

³ As of July 2017, over 45% of prisoners were facing charges or serving sentences for drug related crimes in Tunisia.

and the Use of the Death Penalty in South East Asia.” The seminar brought together a group of regional legal experts, academics and human rights defenders, as well as UN human rights and drug control experts. During the discussion, the experts examined drug trafficking trends in the region, relevant national policies, public perceptions, and human rights challenges in the fight against drug trafficking and drug-related crime in South East Asia. Participants also examined the human rights dimensions of the application of the death penalty in cases of drug-related offences.

OHCHR is currently cooperating with UNDP, International Centre for Human Rights and Drug Policy and other partners concerning the **drafting of international guidelines on human rights and drug policy**. We hope that these guidelines will provide the necessary guidance to States and other stakeholders in the development and implementation of national drug control policies that are grounded in States’ obligations under international human rights law.

Chairperson,

OHCHR encourages all Members States of the United Nations to fully **cooperate with special procedure mandate holders** of the Human Rights Council, providing them full access as requested and implementing their recommendations, in particular, those related to human rights and drug policy. The **Universal Periodic Review (UPR)** mechanism of the Human Rights Council also provides a unique opportunity to advance human rights in relation to drug control efforts. UN **human rights treaty bodies**⁴ continue to formulate recommendations to assist State parties in fulfilling their obligations under the respective human rights treaties, while addressing drug problems. We urge States to fully implement those recommendations of human rights treaty bodies. We also urge this Commission to take note of the work and recommendations of these all UN human rights entities that bears relevance to issues related to human rights and drug policies.

Additionally, **national human rights institutions**, which can provide human rights guidance to relevant national authorities involved in drug control efforts, should be engaged and supported. Human rights defenders, including members of the legal profession, health workers, journalists and other stakeholders, who are involved in the promotion and the protection of human rights in drug control efforts, should be provided with full protection from any threat, harassment or reprisals.

Thank you.

⁴ Such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, and the Committee against Torture.