

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

**Item No. 7**

**Follow-up to the special session of the General Assembly on the world drug problem held in 2016, including the seven thematic areas of the outcome document of the special session**

**Statement delivered by**

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**OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**16 March 2018**

**Chairperson**

**Distinguished delegates,**

**The Office of the United Nations High Commissioner for Human Rights (OHCHR), once again, thanks this Commission for inviting the Office to speak under the item 7 of 61<sup>st</sup> Session of the Commission. We also commends CND for holding the intersessional consultations, held in 2017, on the implementation of operational recommendations of UNGASS 2016. Upon CND's invitation, OHCHR participated at several of these consultations and provided inputs from human rights perspectives.**

**In 2018, the Universal Declaration of Human Rights turns 70. This anniversary provides a unique opportunity to reflect on the relationship between drug control efforts and human rights. In his statement on “global update of human rights concerns” to the United Nations Human Rights Council on 7 March, the High**

**Commissioner for Human Rights urged all States to examine the effectiveness and human rights impact of their current approaches to the so-called “War on Drugs”. The High Commissioner also urged a more comprehensive implementation of the Outcome Document of the UNGASS 2016, including its fifteen operational recommendations on human rights and related issues.<sup>1</sup>**

**Today, on behalf of OHCHR, I would like to highlight two human rights issues, related to the implementation of human rights commitments of the 2016 UNGASS Outcome Document:**

- (i) Practical measures to end impunity<sup>2</sup> for human rights violations, in particular extra-judicial killings related to drug control efforts;**
- (ii) The need for a Human rights approach to data and information collection for measuring drug policies.**

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

<sup>2</sup> Paragraph (o), Chapter 4, UNGASS Outcome Document 2016

**Dear Chairperson,**

**Eliminating impunity for extra-judicial executions**

**In his Study on the impact of the world drug problem on the enjoyment of human rights, the United Nations High Commissioner for Human Rights emphasized that the right to life should be respected and protected by law enforcement agencies in their efforts to address drug-related crimes, and only proportional force should be used, when necessary. Extrajudicial killings should be subject to prompt, independent and effective investigations to bring the alleged perpetrators to justice<sup>3</sup>.**

**Since the adoption of UNGASS 2016, the right to life has continued to be challenged in some States. A dramatic upsurge in extra-judicial executions and other serious human rights violations has been reported in the context of the "war on drugs" campaign launched in those States.**

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<sup>3</sup> A/HRC/35/65, paragraph 63

**In its 2017 annual report, the International Narcotic Control Board stated that extrajudicial responses to drug-related criminality are in clear violation of the international drug control conventions, which require that drug-related crime be addressed through formal criminal justice responses; and which require adherence to internationally recognized fair trial and due process norms and standards.<sup>4</sup>**

**In the UNGASS Outcome Document, all States committed to take practical measures to protect human rights and fundamental freedoms and eliminate impunity<sup>5</sup> for violations. Practical measures to eliminate impunity for serious human rights violations, such as extrajudicial killings, should include a prompt and effective investigation by an independent and impartial body with a view to bringing perpetrators to justice. Cooperation with international judicial or other mechanisms, such as the**

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<sup>4</sup> <https://www.incb.org/incb/en/publications/annual-reports/annual-report-2017.html>, paragraph, 256

<sup>5</sup> Paragraph (o), Chapter 4, UNGASS Outcome Document 2016

**International Criminal Court, responsible to investigate and prosecute heinous crimes under international law is also needed. Without such measures, impunity will prevail.**

**On 8<sup>th</sup> February 2018, the Prosecutor of the International Criminal Court (ICC) announced her decision to open a preliminary examination in the situation of the Philippines, which will analyse crimes allegedly committed in this State since at least 1 July 2016, in the context of the "war on drugs" campaign launched by its Government.<sup>6</sup> OHCHR urges the relevant authorities to fully cooperate with the ICC to end impunity and uphold its obligations under international human rights law while addressing drug related challenges.**

**Dear Chairperson,**

**I would now like to turn to the need for a human rights approach to data and information collection for measuring drug policies**

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<sup>6</sup> <https://www.icc-cpi.int/Pages/item.aspx?name=180208-otp-stat>

**One key issue regarding the implementation of the UNGASS Outcome Document 2016 is how drug policies and their impact on human rights are measured. The Outcome Document recommends to consider - the inclusion of information concerning, inter alia, the promotion of human rights<sup>7</sup> - when furnishing information to the Commission on Narcotic Drugs, pursuant to the three international drug control conventions and relevant Commission resolutions**

**There is a growing realization that traditional indicators regarding arrests, seizures and criminal justice responses are inadequate to show the real impact of drug policies on communities. The success of drug control strategies should increasingly be measured through an assessment of the impact of drug control efforts in the enjoyment of human rights and other critical aspects such as security, health and social/economic development.**

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<sup>7</sup> Operational recommendation 4(h),

**In this context, intersections between SDGs indicators and the measurement of drug policy implementation should be considered. The addition of a human rights approach in data collection would also strengthen the process. OHCHR has developed a set of human rights indicators for the realization of human rights<sup>8</sup> and a guidance on human rights based approach to data collection in the implementation of the SDGs.<sup>9</sup> Both could be useful in strengthening and streamlining existing data-collection and analysis tools in drug control efforts.**

**Thank you.**

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<sup>8</sup> <http://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>

<sup>9</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DataForSustainableDevelopment.aspx>