



**General Debate**  
**64<sup>th</sup> session of the United Nations Commission on Narcotic Drugs**

***OHCHR Statement***  
***(Delivered by Zaved Mahmood, Human Rights and Drug Policy Advisor)***  
***13 April 2021***

***Excellencies, Distinguished participants,***

Thank you, Chair, for inviting OHCHR to participate at this session of CND.

Over a year into the COVID-19 pandemic crisis, all countries continue to encounter alarming levels of pressure on their health and social services.

Inequalities and poverty have further deepened with devastating impact on the most vulnerable and marginalised individuals and communities.

In his Policy Brief on Human Rights and COVID-19, the Secretary-General recognised the vulnerability of people who use drugs during this pandemic. UN human rights experts recommended that in the current COVID-19 context, treatment and harm reduction services should continue to be provided to people who use drugs.<sup>i</sup>

Recent data shows that 20% percent of the global prison population are detained for drug offences, including non-violent minor offences and drug use,<sup>ii</sup> making drug policy a significant driver of over-incarceration.

Since the outbreak of the COVID-19 pandemic, on several occasions, OHCHR called for swift action by governments to prevent the devastating impact of COVID-19 in places of detention and other closed settings, including by addressing prison overcrowding and closing compulsory drug detention centres.<sup>iii iv v vi</sup>

Release of individuals, including persons with underlying health conditions, persons who have committed minor or petty offences, and those detained for acts not recognized as crimes under international law, such as personal drug use, should be prioritized.

In addition to contributing to prison overcrowding, criminalization of drug use often results in disproportionate sentencing in addition to hindering people who use drugs from receiving necessary treatment and harm reduction services. It also aggravates the stigmatization of and discrimination against them.<sup>vii</sup>

Several States have taken measures, including for the release of an unprecedented number of people from prison and/or through the adoption of a moratorium on new admissions to prevent deadly outbreaks in prisons and other detention centres.

We hope that these experiences and lessons should lead to the long-term structural reforms of drug policies and prisons in the post-COVID-19 era.

### *Excellencies,*

As emphasized in the Secretary-General's Call to Action for Human Rights,<sup>viii</sup> it is our common responsibility to put human rights at the center of all policies and decision-making processes. This includes, of course, those related to drug control.<sup>ix</sup>

We firmly believe that principled, just and comprehensive drug policies which respect dignity, development and human rights will reduce both demand and supply of drugs; protect health; and contribute to achieving the Sustainable Development Goals and commitments of the UNGASS 2016<sup>x</sup>

The UN Commission Position on drug related matters provides<sup>xi</sup> clear guidance and direction for actions for supporting States in the implementation of human rights based drug policies.

In this endeavor, our Office stands ready to work with States and all other stakeholders through promoting the International Guidelines on Human Rights and Drug Policy.<sup>xii</sup>

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<sup>i</sup> See also Statement by the UN expert on the right to health\* on the protection of people who use drugs during the COVID-19 pandemic; available at

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25797&LangID=E>

<sup>ii</sup> Prison Reform International & Thailand Justice Institute, *Global Prison Trends 2020*, available at

<https://cdn.penalreform.org/wp-content/uploads/2020/05/Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf>; See also UNODC, World Drug Report 2020, Booklet 1, page 21

<sup>iii</sup> UN News Service, *UN rights chief urges quick action by governments to prevent devastating impact of COVID-19 in places of detention*, 25 March 2020, available at <https://news.un.org/en/story/2020/03/1060252>;

<sup>iiii</sup> IASC Interim Guidance on COVID-19: Focus on Persons Deprived of Their Liberty (developed by OHCHR and WHO), 27 March 2020; available at <https://interagencystandingcommittee.org/other/iasc-interim-guidance-covid-19-focus-persons-deprived-their-liberty>

<sup>iv</sup> IASC Interim Guidance on COVID-19: Focus on Persons Deprived of Their Liberty (developed by OHCHR and WHO), 27 March 2020; available at <https://interagencystandingcommittee.org/other/iasc-interim-guidance-covid-19-focus-persons-deprived-their-liberty>

<sup>v</sup> UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings, 13 May 2020, available at <https://www.who.int/news-room/detail/13-05-2020-unodc-who-unaid-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings>

<sup>vi</sup> UN Joint Statement : Compulsory drug detention and rehabilitation centres in Asia and the Pacific in the context of COVID-19, JUNE 1, 2020; available at

<https://unaidsapnew.files.wordpress.com/2020/05/unjointstatement1june2020.pdf>

<sup>vii</sup> See Statement of the High Commissioner for Human Rights delivered at the International Harm Reduction Conference, 2019 available at:

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24529&LangID=E>

<sup>viii</sup> <https://www.un.org/en/content/action-for-human-rights/index.shtml>

<sup>ix</sup> See Key Note Speech of the Assistance Secretary General for Human Rights, 11 February, delivered at 1st 'Brandenburg Forum' (BBF) in Geneva "Building Bridges between the drug policy and human rights regimes of the United Nations" available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26742&LangID=E>

<sup>x</sup> See the Outcome Document of the UNGASS 2016 available

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

<sup>xi</sup> See Annex 1, *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*, 2019 available at:

[https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN\\_Entities/What\\_we\\_have\\_learned\\_over\\_the\\_last\\_ten\\_years\\_-\\_14\\_March\\_2019\\_-\\_w\\_signature.pdf](https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/What_we_have_learned_over_the_last_ten_years_-_14_March_2019_-_w_signature.pdf)

<sup>xii</sup> The Guidelines are endorsed by the United Nations Development Programme (UNDP), the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner on Human Rights (OHCHR); and the United Nations Office on Drugs and Crimes (UNODC) contributed in the development of the Guidelines. The development of the Guidelines was supported by the GIZ Global Partnership on Drug Policies and Development (GPDPD) project on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), the Swiss Ministry of Foreign Affairs and the United Nations Development Programme (UNDP). The International Centre for Human Rights and Drug Policy is the key CSO partner and hosting the guidelines electronically at <https://www.humanrights-drugpolicy.org>