

UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

THEMATIC SESSIONS ON THE IMPLEMENTATION OF ALL INTERNATIONAL DRUG POLICY COMMITMENTS, FOLLOWING-UP TO THE 2019 MINISTERIAL DECLARATION, 19-21 OCTOBER 2021 (VIRTUAL)

STATEMENT BY DR. CHRISTOPHER BULKAN, VICE CHAIR, HUMAN RIGHTS COMMITTEE 19 October, 2021

Dear Chairperson,

I wish to thank the Commission of Narcotic Drugs for inviting me to speak at today's thematic discussion.

In the 2019 Ministerial Declaration on the implementation of joint commitments to address and counter the world drug problem, Member States of the United Nations recognized increasing links between drug trafficking, corruption, terrorism and other forms of organized crime as a persistent challenge hindering efforts to implement all States' commitments; and committed to take various measures to respond to these challenges.

Crucially, in the 2019 Ministerial Declaration, all member States acknowledged that responses not in conformity with applicable international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility.

From our (Human Rights Committee's) perspective, this acknowledgement is important since efforts to respond to the drug problem may have a direct impact on the exercise of human rights.

In its work, the Human Rights Committee has frequently addressed the human rights dimensions of measures taken to address illicit drugs, terrorism, corruption and other forms of organized crimes, including trafficking in persons, reminding States of the need to adopt a rights-based approach in response.¹ The Committee has also called for "a focus on appropriate health care, psychological support services and rehabilitation for drug users, including drug dependence treatment such as opioid substitution therapy and harm reduction programmes."²

In its General Comment 36, the Human Rights Committee has explained that the 'right to life is a right which should not be interpreted narrowly' and that governments 'should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity', including 'substance abuse' and 'the prevalence of life-threatening diseases, such as AIDS'.³

¹ On the right to life see Human Rights Committee, Concluding Observations: CCPR/CO/84/THA (2005), CCPR/C/SDN/CO/3 (2007), CCPR/C/KWT/CO/3 (2016), CCPR/C/PAK/CO/1 (2017), CCPR/C/BHR/CO/1 (2018); personal security and liberty: CCPR/C/AZE/CO/4 (2016); CCPR/C/MUS/CO/5 (2017), CCPR/C/VNM/CO/3 (2019), CCPR/C/NLD/CO/5 (2019) Netherland; freedom from torture and other CIDT: CCPR/C/RUS/CO/7 (2015); the right to a fair trial: CCPR/C/SUR/CO/3 (2015); protection against forced labour: CCPR/C/BLR/CO/5 (2018).

² CCPR/C/GEO/CO/4.

³ Human Rights Committee, General Comment No. 36: The Right to Life, CCPR/C/GC/36 (2018), para. 26.

Jurisprudence of the Human Rights Committee helped to shape various drug policy documents at national, regional and international levels, such as the **International Guidelines on Human Rights and Drug Policy**. These guidelines provide a comprehensive set of international legal standards for placing human dignity and sustainable development at the center of State responses to the drug problem.

Dissemination and use of these Guidelines could be useful tool for the implementation of the relevant recommendations of the Concluding Observations of the Committee.

While acknowledging the **terrorist threat** faced by many State parties, the Committee has recommended that States take all the necessary steps to ensure that counter-terrorism legislation is consistent with international standards, the principles of legality, certainty, predictability and proportionality, and is limited to crimes that would clearly qualify as acts of terrorism.⁴

The fight against **corruption** is an integral component of the 2030 Development Agenda. Nevertheless, when fighting corruption and other related crimes, careful attention must be paid to promoting and protecting human rights and the rule of law since they are an integral element to successful anti-corruption strategies. In this regard, the Committee has recommended States to promote good governance, transparency, and accountability by ensuring that all acts of corruption are investigated independently and impartially and that those responsible are brought to justice and ensure asset recovery, where appropriate.⁵

While the links between human rights and the fight against trafficking in persons are well established, the practice has shown that human rights are not always at the centre of responses to human trafficking. Consequently, the Committee has recommended States not only to conduct impartial and effective investigations, ensuring that traffickers are prosecuted and punished with appropriate penalties but also to ensure that victims of trafficking in persons are provided with appropriate protection and assistance and full reparation, including rehabilitation and adequate compensation.⁶

Finally, we cannot forget that the rule of law is critical for successfully addressing all these challenges. For example, there are persistent challenges and gaps in securing access to justice for all. Moreover, many public decision-making processes lack transparency and are non-participatory, hindering people's ability to demand and secure accountability. Consequently, more must be done to ensure that the rule of law is respected and strengthened, especially in countries implementing measures to combat corruption, terrorism, human trafficking, and other organized crimes.

Protecting and promoting human rights, including gender equality, is not an operational or strategic impediment. It is a requirement for successful addressing any societal problem, including drug trafficking, corruption and other forms of organized crimes.

We must address these problems by ensuring that all efforts are human rights compliant, including non-discriminatory, and abide by the rule of law.

⁴ See, CCPR/C/VNM/CO/3, CCPR/C/FIN/CO/7.

⁵ See, CCPR/C/KEN/CO/4, CCPR/C/PRT/CO/5, CCPR/C/TUN/CO/6, CCPR/C/GNQ/CO/1, CCPR/C/AGO/CO/2, CCPR/C/NGA/CO/2

⁶ See, CCPR/C/ERI/CO/1, CCPR/C/AGO/CO/2, CCPR/C/NER/CO/2, CCPR/C/PRY/CO/4, CCPR/C/GNQ/CO/1, CCPR/C/CZE/CO/4, CCPR/C/PRT/CO/5.