Commission on Narcotic Drugs thematic discussion: Responses not in conformity with applicable human rights obligations

Thank you Mr Chair

- Australia welcomes this important discussion, and the opportunity to hear from member states and stakeholders.
- We all agree that preventing and minimising the harms associated with illicit drugs on individuals, families and communities is critical.
- In Australia, this is being pursued through the implementation of scientific evidence-based demand, supply and harm reduction strategies that deliver a balanced approach between health and law enforcement and are aligned with Australia’s National Drug Strategy.
- Australia reaffirms its commitment to the international drug control conventions, which must be implemented in consistency with our human rights obligations.

- Australia notes the recommendations by Dr Penny Hill from the NGO Students for Sensible Drug Policy during the morning session, including those that were specifically directed to Australia.
  - And we appreciate the interest shown by member states [Brazil] in their questions on the role of NGOs in Australia in addressing drug matters.
- Australia welcomes engagement and collaboration with civil society and acknowledges the critical role they play in addressing domestic and international drug policy issues.

Mr Chair

- During this intersessional meeting, many member states have called for the abolition of the death penalty. [Portugal, EU, Spain]
- Australia adds its voice to theirs.
- Australia opposes the death penalty in all circumstances, for all people, including for drug-related offences.
  - We strongly call for the universal abolition of the death penalty.
- We urge all countries that carry out capital punishment to cease executions and establish a moratorium on the use of the death penalty.
At the very least, we call for countries to reduce the scope or incidence of the application of the death penalty, including for drug-related offences.

- Imposing the death penalty for drug-related offences does not meet the threshold of ‘most serious crimes’ stipulated by Article 6 of the International Covenant on Civil and Political Rights (ICCPR).
  - As we have already heard from the Human Rights Office, the Human Rights Committee defines ‘most serious crimes’ as crimes of extreme gravity involving intentional killing.
  - The Committee has found that crimes not resulting directly and intentionally in death, such as drug offences, can never serve as the basis for the imposition of the death penalty.
  - Should a signatory to the International Covenant on Civil and Political Rights impose the death penalty for drug offences, it would not conform with its human rights obligations.

- Further, the death penalty is unfair and used disproportionately used against the poor.
  - Many of those who engage in low-level drug crimes are economically marginalised.
  - Their economic prospects are often so limited that engaging in drug offence presents a worthwhile risk, even if it carries the risk of death.

- This year, Australia and Costa Rica will facilitate the Third Committee resolution ‘Moratorium on the Use of the Death Penalty’, on behalf of the Inter-Regional Task Force (IRTF) of 44 countries at the UN General Assembly [October/November].

- We want to see increased or maintained support for the resolution this year, to signify the continued global trend away from the death penalty.
  - Including from countries that have made moves to abolish or impose a moratorium on the death penalty in the last two years [for example, Sierra Leone, Papua New Guinea, Zambia, Central African Republic].

- We hope for your support. Imposing the death penalty is irreversible and is never justified.