

Speaking points – CND Thematic Discussion – 22 September 2022-
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Thank you Chairperson,

I am very honoured to have the opportunity to contribute to this important discussion. I have listened carefully to previous speakers and would like to focus my intervention on three key points.

First let me remind us all that equal access to justice for all is a key target of Goal 16 under the 2030 agenda for sustainable development, but also an enabler for reaching most of the other goals and targets set by Member States. Equal access to justice for all requires centering those populations and individuals that have historically and structurally been excluded, discriminated against and faced disproportionate responses by the criminal justice system. The principle of non-discrimination which is at the core of international human rights law and reflected all through the SDGs requires not only that laws and policies do not create discrimination in law, but creates a positive obligation on States to ensure that the implementation of such laws, policies or practices does not have a disparate or discriminatory impact on certain communities or individuals. This is

particularly relevant to the implementation of drug control policies as highlighted for instance by the High Commissioner on Human Rights in her report on the *Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers* released in July 2021. In the analysis of information received concerning over 190 incidents of deaths of Africans and people of African descent in contact with law enforcement officials, OHCHR suggests that three key contexts underlie over 85 per cent of police-related fatalities: first is the policing of minor offences, traffic stops and stops-and-searches; second is the intervention of law enforcement officials as first responders in mental health crises; and third is the conduct of special police operations, many of which have been characterized as actions taken in the context of the so-called war on drugs or as gang-related operations. The high commissioner further notes *that in these three contexts, racial bias, stereotypes and profiling appear to play recurrent roles and that erroneous and stereotypical portrayals or perceptions of what or who is dangerous continue to drive inferences made in the context of law enforcement.* The report also contains important recommendations to Member States and the international community which we are striving to integrate in our work in ensuring equal access to justice for all.

Second, police and other law enforcement are often the first responders to crime, and the treatment and experience of suspects, victims and witnesses at that initial contact will not only affect their perceptions of the police and the criminal justice system, but also have an impact on their families, friends and communities, potentially undermining trust in the criminal justice system as a whole. The COVID pandemic has highlighted the key role played by police services in many countries around the world in responding to health crisis, whether collective or individual, and they must be equipped with the tools to respond appropriately to persons with drug abuse disorders and in mental health crisis. My team works on assisting Member States in implementing their obligations under international law, such as the protection of the right to life and the prohibition of torture, and in using and applying UN standards and norms like the Code of Conduct for Law enforcement Officials and the Basic Principles on the Use of Force and Firearms, which establish that the police play a key role in serving the community and protecting human rights. In doing so we support the review of legislation and regulations, provide support to strengthen evidence- and human-rights based gender-sensitive and representative police institutions and strengthening police oversight and accountability mechanisms. We have also recently launched a series of elearning modules on investigative interviewing, an evidence-based approach to effective investigations and interviews of suspects, victims and witnesses which contributes

to better quality investigations while reducing the reliance on confession and the risk for torture and inhuman treatment.

Third, to ensure equal access to justice for all and protection of human rights, and in line with the commitment in the 2016 UNGASS outcome document to ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, it is essential to ensure access to effective and quality legal aid in line with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice systems. Principle 10 provides for Equity in access to legal aid through the adoption of Special measures to ensure meaningful access to legal aid for – amongst others - drug users. Early access to legal aid is particularly important to reduce the risks of human rights abuses and discriminatory practices. UNODC supports Member States in ensuring the provision of legal aid. For instance, in Nigeria, the Office provided support to the Legal Advocacy Response to Drugs Initiative (LARDI), which comprises a network of 127 lawyers and legal practitioners and provided pro-bono legal services to people arrested on drug charges, drug users and their families. In 2021, LARDI members defended 73 indigent drug arrestees and concluded 116 cases.

Thank you Mr. Chairperson