



## 65<sup>th</sup> Session of the Commission on Narcotic Drugs

Intersessional Meeting, Thematic Discussion 1  
Vienna International Centre, 21 September 2022

### OHCHR Statement<sup>i</sup>

Dear Chair,

Thank you for inviting OHCHR to participate at this intersessional session of the Commission on Narcotic Drugs.

Both in [the UNGASS 2016](#) and [the 2019 Ministerial Declaration](#), all States reiterated their commitment to respecting, protecting and promoting all human rights and fundamental in the development and implementation of drug policies. In the 2019 Ministerial Declaration, all States also acknowledged that responses not in conformity, *inter alia*, 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 human rights perspectives, this acknowledgement is critical since drug control measures may have a direct impact on the respect, protection, promotion and exercise of human rights.

In assisting States and other stakeholders, for the last several years our office and special procedure mandate holders of the Human Right Council prepared several reports (e.g. A/HRC/39/39; A/HRC/31/45; A/HRC/47/40; A/65/255) on drug policy and human rights, highlighting the impact of drug policy measures on human rights.

We are also implementing capacity building and technical cooperation programme on human rights based drug policies, in cooperation with UNODC

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and other UN agencies; as well as with the partnership with civil society organisation (e.g. A/HRC/51/58).

We have brought good practices, lessons learned and challenges- with regard to ensuring drug policy measures compliant with States' obligations under international human rights treaties - to the attention of Member States and other stakeholders.

Upon the request from the Human Rights Council, those reports also shared with CND on various occasions, including ahead of UNGASS 2016 and the 2019 Ministerial High Level meeting of this Commission. We are pleased to see outcome documents of these high-level events included human rights language albeit [with some limitations](#).

Furthermore, the progresses are made in some countries in the implementation of UNGASS 2016 operational recommendations on human rights. They have transitioned from a punitive drug control approach towards human rights and public health-based drug policy. Importantly, some countries have decriminalized drug use aiming to address stigma and ensure treatment and services without any fear and intimidation, which is critical in the realization of the right to life, the right to health, the right to privacy and many other rights.

However, [as the former High Commissioner for Human Rights stated](#),<sup>1</sup> challenges persists. Many operational recommendations of UNGASS 2026 related to human rights still yet to be implemented.

In this respect, CND can play an effective role, as it did before.

For example, let me refer to [CND's 2018 resolution on removing stigma as a barrier to the availability and delivery of health, care and social services for people who use drugs](#). The key aspect of this resolution is clearly based on human rights principles and inspired by recommendations of various UN human rights mechanisms and the Outcome Document of the UNGASS 2016.

Several other operational recommendations of the Chapter 4 of the Outcome Document of UNGASS 2016 on human rights- requires further attention, discussion and action by CND, member States and other stakeholders.

For examples, operational recommendations on addressing prison overcrowding, promoting principle of proportionality and alternative measures to incarceration, the prohibition of torture and arbitrary detention, addressing

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impunity - need further attention. All these recommendations are relevant in the realization a range of human rights, including the right to life, the right to health, the right to personal liberty and security, privacy etc.

The last year's [study of the UN Working Group on Arbitrary Detention](#) made several practical recommendation to address these issues. We hope that this Commission can further reflect on findings and recommendations of the report by using its various tools, such as convening an expert group meeting on these issues.

[The UN System Common Position on drug policy](#), adopted in 2018, provides a framework for coordinated support to States in drug related matters. It aims to ensure that such supports are evidence, human rights and public health based; and gender sensitive.

In the spirit of the UN inter-agency cooperation -as discussed in the Common Position, our Office partnered with UNDP, WHO and UNAIDS, the International Centre for Human Rights and Drug Policy and other stakeholders; and with the support of Germany and Switzerland, in the development of [the International Guidelines on Human Rights and Drug Policy](#).

The International Guidelines is the best tool at our disposal to support States in the implementation of their human rights joint commitments of the Outcome Document on UNGASS 2016, and the 2019 Ministerial Declaration.

There might be different views and ideas around the table, but as [the Special Rapporteur on the Right to Health stated today](#), countries must engage in dialogues to move forward. If necessary, through reforms, they must ensure that implementation of three drug conventions are compliant with obligations under international human rights treaties.

Thank you.

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