

Mid-Term Review Challenges - Response on behalf of Students for Sensible Drug Policy

Challenge: Responses not in conformity with the three international drug control conventions and 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

Response with a focus on human rights: While discussions centred on human rights issues in relation to drug policy have been largely absent from the CND since 2008, in the past four years a wide range of UN bodies, above all the OCHR, have called for increased attention to human rights obligations which are undermined by harmful drug policies around the world. Particularly, those who are marginalised because of their race, gender, sexuality, disability, socio-economic status and/or age are disproportionately affected by the consequences of non-conformity to human rights obligations. This includes young people who use drugs.

According to IDPC's Shadow Report for the Mid-term Review of the 2019 Ministerial Declaration on Drugs, the UN has largely focussed on 'the right to life' with regards to the prohibition of using the death penalty, as well as extrajudicial killings in the name of drug control. While these are disproportionately used in Global South countries, such as Afghanistan, Colombia and Kenya, they are just the tip of the iceberg regarding tensions between human rights obligations and drug control measures. It is notable that within the UN, little attention has been paid to contexts in which extrajudicial killings connected to drug policy occur outside of the Philippines, including the link between militarisation and punitive measures against people who use and sell drugs. Therefore, it is recommended that as part of the Mid-term Review, the UNODC, INCB and Member States should aim to address these issues, with regards to the structural connections between militarisation, punitive drug policies and the use of lethal force.

Furthermore, non-conformity with human rights obligations goes far beyond the use of punitive measures and the use of lethal force against people who use drugs. Importantly, non-conformity with human rights obligations also pertains to the Global North. Particularly, concerning campaigns and policies incited by politicians, and governing bodies more generally, which increase the stigma and discrimination faced by people who use drugs. Research identifies

stigma, in the form of negative attitudes, beliefs or behaviours, as one of the most significant barriers to accessing life-saving interventions for people who use drugs. Yet, according to responses to IDPC's Civil Society Survey, "offensive stereotypes in prevention campaigns, scare tactics, messaging that has no basis in evidence, and an emerging practice of blaming people who use drugs for organised crime violence" have been used, for instance, but not only in France, the Netherlands, the UK, as well as by the European Commission. Importantly, these campaigns disproportionately discriminate against people of African descent, as well as other marginalised communities, and thus fuel racism, as well as discrimination more broadly. In addition, they clash with states' central and legal human rights obligations to ensure equality and non-discrimination, as well as the 2030 Agenda for Sustainable Development, which includes the aim to eradicate discriminatory laws, policies and practices. Thus, we recommend that these issues are addressed within the 2024 Mid-term review of the 2019 Ministerial Declaration, with particular emphasis on the disproportionate effects that these policies and practices focussed on the stigmatisation and demonisation of people who use drugs have on marginalised communities, across global contexts.

In light of the above-mentioned issues, IDPCs Shadow Report identifies a significant area that is overlooked within the challenge pertaining to *'responses not in conformity with the three international drug control conventions and 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'*: the need for decolonising the three international drug control conventions, as well as practices and policies that commit to human rights obligations. While human rights are presented as a universal standard that is applicable to every person in the world, they are not applied in a way that ensures the enjoyment of these rights for all groups of people equally in all policy areas across global contexts. In particular, Indigenous Rights are often overlooked in many human rights matters, including international drug policy conventions. The IDPC Shadow Report reiterates that:

"The latest resolutions on drug policy at the UN General Assembly and the Human Rights Council have recalled 'that Indigenous Peoples have the right to their traditional medicines and to maintain their health practices', and that they should be free from discrimination. The 2023 CND resolution on alternative development also included for the first time several positive references to Indigenous Peoples' rights."

However, the three international drug control conventions are rooted in racist structures that have led to the international prohibition of drugs with the guidance of delegates from Global North countries, and above all the USA; and thus create substantial tensions between Indigenous Peoples' rights to maintain their cultural practices which can include the traditional medicinal use of drugs, and the three international drug conventions.

Notably, the above-mentioned stigmatising campaigns which have disproportionate effects on marginalised communities because of their racial and/or ethnic background, can also be linked to the racism that is evident in the structure of the international drug control conventions. Thus, in light of the undermining of Indigenous Peoples' Rights, as well as discriminatory policies that emerge from prohibitionist drug policy paradigms, within the three international drug control conventions; we strongly urge the relevant bodies to consider the need to decolonise the UN drug control system at the 2024 Mid-term review of the 2019 Ministerial Declaration in order to address non-conformity with human rights obligations, as well as the three drug control treaties *'which pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility'*.