

# UNGASS Ten Year Drug Strategy Review: Ten Ways Drug Policy Affects Human Rights

*Countering the world drug problem... must be carried out in full conformity with the purposes and principles of the Charter of the United Nations and other provisions of international law, and in particular with full respect for...all human rights and fundamental freedoms*

UN General Assembly

- 1. HIV prevention:** An estimated 15.9 million people inject drugs worldwide. Outside of sub-Saharan Africa, up to 30% of HIV transmission is due to unsafe injecting drug use. Yet less than 10% of those in need have access to clean needles and syringes or opioid substitution therapy, proven to reduce HIV transmission. UN Secretary-General Ban Ki Moon has noted the 'virtual neglect of this most-at-risk population.' Many countries continue to prohibit such life-saving harm reduction programmes and block their very mention in international fora.
- 2. Discrimination:** Women and young people who inject drugs are at particular risk from HIV, but even when HIV prevention programs do exist, structural barriers often inhibit women and young people from using them. In relation to HIV treatment, in many countries where people who use drugs represent a significant number of those living with HIV, their access to HIV treatment is disproportionately low. Law enforcement activities may also result in discrimination. Racial and ethnic minorities are disproportionately imprisoned for drug offences all over the world.
- 3. Access to essential medicines:** Excessively strict narcotic drug control laws, policies, and practices severely limit access to essential medicines, undermining the right to health of millions of people who need narcotic drugs to treat pain or drug dependence, and in some cases, resulting in them undergoing cruel, inhuman and degrading treatment. WHO estimates that 'approximately 80% of the world's population has either no or insufficient access to treatment for moderate to severe pain'. This affects late stage cancer and AIDS patients, victims of accidents and violence, and women in labour.
- 4. Crop eradication:** Forced crop eradication programmes have proven to exacerbate rural poverty, damage health and the environment and reduce family income and school enrolment. Indigenous rights and cultural traditions have been consistently ignored.
- 5. Detention without trial:** In some countries, people who use drugs may be detained without trial or any semblance of due process, in violation of peremptory norms of human rights. In some cases, detainees are forced to undergo drug 'treatment', sometimes lasting for many years, often without proper medical assessment or the possibility of appeal.
- 6. Torture and cruel inhuman or degrading treatment or punishment:** In some countries, drug dependence 'treatment' includes forced, unpaid labour, isolation, experimental medical procedures without informed consent, beatings and denial of meals. In order to coerce incriminating testimony from drug suspects, law enforcement has in some cases relied on tactics amounting to inhuman treatment or even torture, including forcing suspects to suffer withdrawal to extract such testimony, and death threats.
- 7. The death penalty:** The death penalty for drug offences is a violation of international human rights law. Still approximately 30 UN member states retain the death penalty for drug offences, in some cases as a mandatory penalty. Public executions for drug offences are not uncommon, including those to 'celebrate' the UN's International Day Against Drug Abuse and Illicit Trafficking on June 26th.
- 8. Extradition and Non-refoulement:** The international drug conventions create extraditable offences. The fact that so many states retain the death penalty for drug offences, and that so many others abuse drug suspects, requires strict observance of the principle of non-refoulement - that no-one should be returned by extradition, or other means, to a country where they may be tortured or subjected to cruel, inhuman or degrading treatment.
- 9. Escalating violence in drug 'wars':** In some countries, militarised drug 'wars' have resulted in escalated violence, resulting in thousands of deaths and security destabilisation with little or no impact on the drug trade. In most cases, the answer to such increased violence is increased violence.
- 10. Extrajudicial killings:** Abusive practices in some cases have resulted in extrajudicial killings of suspected traffickers, of people who use drugs and of people with no connection to the drug trade whatsoever.

**The facts speak for themselves.** Human rights abuses resulting from drug enforcement policies, laws and activities are well documented in countries all over the world. They are not trivial. For many of those affected, they are devastating. In many cases these abuses are not only well known, but are promoted by governments as an indicator of their 'success' in fighting drugs. Drug policy is not just a human rights issue, it is a wide range of human rights issues under one policy banner. Human rights demand more than passing reference in CND resolutions. They must underpin all policies and practices. They demand accountability. They demand transparency. And they demand measureable results for human well-being.

**Promoting and protecting human rights must be a core aim of drug policy**

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