

50th Session of the Human Rights Council

DRUG POLICY HIGHLIGHTS

On Friday, 8 July 2022, the Human Rights Council (HRC) concluded its [50th Session](#) (13 June - 8 July 2022) in which drug control and its impact on human rights were analysed through different dialogues and resources. Here is a review of key debates, decisions and documents regarding human rights and drugs-related issues.

THE GLOBAL WAR ON DRUGS

- In its [annual report](#), the UN High Commissioner for Human Rights, Michelle Bachelet, highlighted the importance of addressing criminality and public security from a human rights perspective and aligned with international law. At the interactive dialogue, while she discussed the case of **El Salvador** and the risks of emergency measures to tackle criminality, she welcomed the steps taken by **Colombia** towards peace and transitional justice, urging the effective implementation of the peace agreement, particularly the dismantling of groups responsible for the increase in violence.
- In his [report](#) on the protection of lawyers against undue interference in the free and independent exercise of the legal profession, the Special Rapporteur on the independence of judges and lawyers condemned impunity for attacks against legal professionals in the context of the anti-drug campaign in the Philippines; and recommended states to “review, amend or refrain from adopting legislation that may **interfere with the independence of lawyers** and the free exercise of their profession, particularly [...] drug control or pandemic-related legislation.”
- On 21 June, the Global Commission on Drug Policy (GCDP) hosted a [side event](#) to discuss drug policies through a human rights lens. This event counted with opening remarks from Ambassador Jürg Lauber, Head of the Mission of Switzerland to the UN in Geneva and the Deputy Head of Health and Aids division of Netherlands’s Foreign Office. The panel reflected on the roots of the war on drugs, its ineffectiveness and the need to reform the international framework.
- Another side event of particular interest was the 27th June’s event on [World Drug Day 2022: Presenting UN Human Rights Experts’ call to Align Drug Policies with Human Rights](#) was co-hosted by 10 organisations, including IDPC, HRI, INPUD and Penal Reform International. The panel, which saw the participation of civil society, OHCHR, and UN Special Procedures, was an excellent opportunity to analyse the devastating effects of the punitive approaches to drug control and the need to shift toward a people’s centre approach.

THE IMPOSITION OF THE DEATH PENALTY FOR DRUG OFFENCES

- The use of the death penalty for drug-related offences was addressed in at least **four reports**.¹ The High Commissioner celebrated **Malaysia’s** plan to abolish the mandatory death penalty for drug offences, while [expressing](#) her concern regarding the increasing use of the death penalty for non-violent and drug-related offences in some countries such as **Iran** and **Singapore**, urging “*all States that have not abolished it [the death penalty] yet to join the global trend towards abolition and fully respect the right to life*”.
- The [Special Rapporteur on extrajudicial, summary, or arbitrary executions raised similar concerns as](#) he has witnessed the global resurgence of extrajudicial killings and summary executions and how “*many states continue to impose the death penalty in violation to the international law, including the right of everyone to be free from torture and other cruel, inhuman and degrading treatment or punishment*”. In this regard, HRI delivered an [oral statement](#) co-sponsored by 15 civil society organisations highlighting the extrajudicial killings, enforced disappearances and the death penalty in the context of punitive drug policies.
- Specifically **on Iran**, the report of the Secretary-General on the [situation in Iran](#), which was presented by Ms Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, raised concern regarding the increasing trend of

¹ Annual report of the United Nations High Commissioner for Human Rights, Res A/HRC/50/4; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Res A/HRC/50/34; Situation of the human rights in the Islamic Republic of Iran-Report of the Secretary General; Oral update of the Independent Expert on the situation of human rights in the Central African Republic, Res HRC/58/19.

executions for drug-related offences, with the *"death penalty continuing to be imposed on the basis of charges not amounting to 'most serious crimes' and in ways incompatible with fair trial"*. According to information provided in the report, and [in the oral statement](#), in March 2022 52 individuals convicted to death on drug-related charges were transferred for executions to Shiraz Central Prison.

ACCESS TO HEALTH AND DRUG USE

- A [new report](#) by the High Commissioner of Human Rights on **human rights and HIV/AIDS** was presented which, amongst others: acknowledged how *"people who use drugs are criminalized, marginalized and stigmatized in most countries, resulting in significant barriers to access to health services (including those for HIV) and in other human rights violations"*; noted a lack of adequate harm reduction policies and the unique violations faced by women who use drugs; and, urged states to end compulsory drug detention and treatment, repeal mandatory minimum sentences for drug offences, ensure access to harm reduction for people who use drugs, and guarantee the meaningful engagement and leadership of community-led organizations in development, monitoring, and implementation of relevant laws and policies.
- Although the [report](#) of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health does not explicitly address people who use drugs' right to health, it touches upon all forms of violence and discrimination and how they impact the right to health - underscoring the importance of intersectional and gender non-binary approaches. In the interactive dialogue, the Special Rapporteur sustained that *"interpersonal, societal and structural violence are rooted in intersectional forms of discrimination, ... also in situations of vulnerability such as poverty, health or migration status, affecting people experiencing homelessness and those who use drugs..."*. HRI delivered a [joint oral statement](#) with the Helsinki Foundation for Human Rights, IDPC, PRI and Centro de Estudios Legales y Sociales, which highlighted the impact of violence carried out by States in the name of the war on drugs on the most marginalised and vulnerable groups; and how punitive drug laws remain key barriers in accessing health services, harm reduction services and HIV treatment when needed.

PEOPLE WHO USE DRUGS AND RESPONSE TO THE PANDEMIC

- On 13th June, the HRC held an interactive dialogue to address the role of states in managing health emergencies and the socioeconomic consequences thereof in advancing sustainable development and the realisation of human rights. States acknowledged the broad impact that the COVID-19 pandemic has had in all spheres of people's lives, particularly for those in more vulnerable situations facing multi-layered forms of discrimination and violence. In that line, there was a general commitment to strengthening the multilateral health architecture, particularly in the negotiations to strengthen health emergency preparedness and response, including through a legally binding international pandemic agreement.
- HRI delivered an [oral statement](#) on behalf of 18 organisations, highlighting how COVID-19 and emergency measures have disproportionately affected the most marginalised groups of society, such as people in detention, people who use drugs, sex workers, LGBTI people, and people in need of abortion; as well as older people and persons with disabilities, leading to widespread human rights violations, and ineffective pandemic responses. This interactive dialogue was followed by the adoption of the [HRC 44/2 resolution](#).

OTHER RELEVANT DEVELOPMENT

- The HRC appointed **new mandate holders**, including the first female Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The full list can be found [here](#).
- The HRC adopted a new [resolution on access to medicines](#), vaccines and other health products in the context of the right to health. This resolution calls upon States to promote timely, equitable and unhindered access to medicines, vaccines, and other health products and technologies for all. It requests OHCHR to provide technical assistance to States throughout the next three years on the human rights dimension of access to medicines and

vaccines in the context of the right to health, and to present to the Council a compendium of good practices at its fifty-third session, and an analytical study on critical challenges at its fifty-sixth session.

- Alongside the [report](#) on the Situation of Human Rights in Ukraine in the context of the armed attack by the Russian Federation, in its interactive dialogue, the Special Rapporteur on the right to health sustained that the right to health includes access to health facilities and services, urging the Russian Federation to stop attacks and protect the right to health of the Ukrainian population without discrimination.
- The outcomes of the **Universal Periodic Reviews** of several countries were adopted. Most relevant to drug policy are those of [Zimbabwe](#), which supported a few recommendations related to access to health services, particularly with regard to HIV, and [Timor-Leste](#) which accepted recommendations in the same direction. [South Sudan](#) accepted recommendations to create an enabling environment for all, including for persons affected by HIV and key populations, while [Uganda](#) agreed to *“enhance measures to prevent discrimination against all vulnerable groups, including women, children and persons living with HIV”*.