

To: Ms Ghada Waly, Executive Director, United Nations Office on Drugs and Crime

CC: Antonio Guterres, UN Secretary-General
Guy Ryder, UN Under-Secretary-General for Policy
Eihab Omaish, Principal Political Affairs Officer, Office of the Secretary General
Volker Türk, UN High Commissioner for Human Rights
Justice Tettey, Chief of the Laboratory and Scientific Section, Division of Policy Analysis,
UNODC

21st November 2024

Dear Ms. Waly,

Subject: Open letter on occasion of International Human Rights Day 2024

We urge you to mark International Human Rights Day 2024 by calling on Member States to align drug policies and practices with human rights, and commit to placing human rights at the centre of all dimensions of the UNODC's work.

On behalf of the International Drug Policy Consortium (IDPC) – a global network of 195 civil society organisations from 75 countries – alongside 60 additional organisations from 26 countries, we are writing to you ahead of International Human Rights Day on 10th December 2024, which will be held under the theme 'Our rights. Our future. Right now'. As explained by UN High Commissioner for Human Rights Volker Türk, the aim of this day is to 'inspire everyone to acknowledge the importance and relevance of human rights, change perceptions by countering negative stereotypes and misconceptions and mobilize action to reinvigorate a global movement for human rights'.¹

As you well know, research by IDPC,² other civil society and community organisations and an increasing number of UN entities has highlighted the ongoing devastation brought about by punitive drug policies. At the occasion of World Drugs Day on 26th June 2024, this led 21 Special Procedures of the UN Human Rights Council to call 'for transformative change in drug policy, by shifting from punishment towards harm reduction',³ echoing the conclusions of the 2023 report of the Office of the UN High Commissioner for Human Rights (OHCHR).⁴

At the same time, the UN Special Rapporteurs on health,⁵ on adequate housing, and on extreme poverty and human rights⁶ have all produced reports this year related to various drug policy matters, all strongly recommending decriminalisation and a harm reduction approach to drug policy. The UN Committee on Economic, Social and Cultural Rights has also issued a number of recommendations encouraging Member States to decriminalise drug use and possession and to ensure adequate access to harm reduction and evidence-based drug dependence treatment services.⁷

Member States themselves are increasingly condemning human rights abuses related to drug policy, an issue that came out particularly strongly during the High-level segment and 67th session of the UN Commission on Narcotic Drugs (CND) last March, when, for the first time in the history of the CND, the term 'harm reduction' finally became agreed language in Resolution 67/4 on overdose prevention.⁸

And yet, the UNODC continues to remain silent in the face of blatant human rights violations committed in the name of drug control. The failure by the UNODC World Drug Report 2024's chapter on the 'right to health' to acknowledge the harms of criminalisation or to mention 'harm reduction' is an example of this.⁹

As the head of the lead UN agency focusing on drug-related matters, you have a responsibility to inspire Member States about the importance of promoting human rights in the context of drug policy, to change perceptions by countering the many harmful and counterproductive cases of drug-related stereotypes, stigma and discrimination perpetrated in all corners of the world, and to mobilise action in the design and implementation of drug policies that are truly aligned with human rights, including by playing a leading role in the implementation of the UN System Common Position on drugs.

In the name of 61 organisations from 26 countries, we once again urge you to make a statement on 10th December to underline the UNODC's commitment, in line with the UN System Common Position on drugs, to acknowledge the abuses committed in the name of drug control, and work together with civil society, other UN agencies and community organisations to truly mainstream human rights into all dimensions of the UNODC's work.

Requesting the UNODC to issue a statement for International Human Rights Day is not new. This request has been made repeatedly by IDPC since 2020, but these calls have so far remained unanswered even though your predecessor, the late Yury Fedotov, made such statements in 2016, 2017, 2018 and 2019.¹⁰

To be credible, such a statement this year should call on Member States to:

1. Abolish the death penalty in all circumstances. Imposing capital punishment for drug offences has been found to be contrary to international human rights law by the Human Rights Committee¹¹ and the Human Rights Council.¹²
2. Put an immediate end to extrajudicial killings committed in the name of drug control, as has been repeatedly called for by the Human Rights Council¹³ and UN human rights experts.¹⁴
3. Acknowledge the disproportionate impact of drug laws and drug control on people marginalised on the basis of their age, gender, race, ethnicity, and socio-economic status.¹⁵
4. End the criminalisation and punishment for drug use and related activities, as called for by the UN System Common Positions on drugs and on incarceration, OHCHR, UNAIDS, WHO, various Special Rapporteurs and UN human rights bodies.¹⁶
5. Permanently close compulsory drug detention centres, including those that masquerade as 'rehabilitation', and implement voluntary, evidence- and rights-based health and social services, as called for repeatedly by various UN agencies, including the UNODC.¹⁷
6. Explicitly call for the provision of accessible, affordable, and adequately funded harm reduction services – as part of a continuum of care alongside prevention, treatment, rehabilitation and other health and social support – to fulfil the right to health and the right to life of people who use drugs.¹⁸ This is central to UNODC's core role as lead UNAIDS co-sponsor regarding HIV amongst people who use drugs and those in prisons, and 'harm reduction' is now recognised in CND Resolution 67/4.
7. Take immediate measures to address prison overcrowding, as recommended in the UN Common Positions on drugs and on incarceration and a number of UN human rights entities, in line with the principle that prisons should only be used as a last resort in all circumstances.

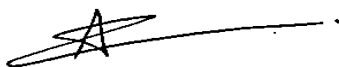
8. Ensure that people are not subject to arbitrary detention,¹⁹ torture, or ill-treatment in the name of drug control – whether in state custody or in public or private drug services.
9. Address and redress the human rights impacts of forced eradication, violent and/or militarised campaigns on farmers involved in the cultivation of crops destined for the illegal drug market for traditional and subsistence purposes.
10. Promote a gender- and age-sensitive approach to drug policies, by tailoring drug services to the specific needs of women and young people, and by ensuring that criminal laws take into account the circumstances of women and young people involved in drug offences, as most of them come from backgrounds of poverty, marginalisation and oppression.²⁰

We stand ready to discuss with you the many ways in which the UNODC can better incorporate human rights in all dimensions of the agency's work. As we await your response, below are some recommendations towards that goal:

- Providing technical guidance to member states on how to better align their drug policies with human rights, using the recommended actions included in both the UN System Common Position on drugs and the 2023 report of the OHCHR as a basis.
- Ensuring that the UNODC's operations do not contribute to, fund or facilitate the implementation of policies in contravention of international human rights laws and standards.
- Mainstreaming reporting on the human rights consequences of drug policies, including in future World Drug Reports, with recommendations that fully incorporate the latest international human rights guidance and jurisprudence.
- Stepping up the UNODC's involvement in human rights cases that require urgent action, in close cooperation with civil society, community and with other UN entities, including where appropriate through public statements and diplomatic interventions.

We look forward to your response, and to discussing these concerns and recommendations with you.

Yours sincerely,



Ann Fordham
Executive Director
International Drug Policy Consortium

On behalf of:

1. Associação de Apoio ao Cultivo, Pesquisa e Pacientes de Cannabis Medicinal (ACURA), Brazil
2. AIDES, France
3. Alternative Georgia, Georgia
4. Amnesty International, Global
5. APDES, Portugal
6. Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID), Costa Rica
7. Australian Injecting & Illicit Drug Users League (AIVL), Australia
8. Canadian Drug Policy Coalition, Canada
9. Center of Legal and Social Studies (CELS), Argentina
10. Centre on Drug Policy Evaluation, Canada
11. Centro de Convivência É de Lei, Brazil
12. Centro de Orientacion e Investigacion Integral (COIN), Dominican Republic
13. Centro Regional de Derechos Humanos y Justicia de Género - Corporación Humanas, Chile
14. Corporación Acción Técnica Social, Colombia
15. Corporación Humanas - Centro Regional de Derechos Humanos y Justicia de Género, Colombia
16. Corporación Viso Mutop, Colombia
17. Correlation-European Harm Reduction Network, Netherlands
18. Dianova International, Global
19. Drug Free and Preventive Healthcare Organisation, Nigeria
20. Drug Harm Reduction Advocacy Network Nigeria
21. Drug Policy Alliance, USA
22. Drug Policy Network South East Europe, Serbia
23. Drugs and Human Rights Research Center, Peru
24. Eastern Africa Harm Reduction Network (EAHRN), Regional
25. Elementa DDHH, Colombia/Mexico
26. Encare, Uruguay
27. Eurasian Harm Reduction Association (EHRA), Lithuania, Regional
28. Fédération Addiction, France
29. Fundación Latinoamérica Reforma (LAR), Chile
30. Groupement Romand d'Etudes des Addictions (GREA), Switzerland
31. Harm Reduction Australia
32. HAYAT, Malaysia
33. Health Poverty Action, Global
34. HIV Legal Network, Canada
35. Indonesian Harm Reduction Network (JANGKAR), Indonesia
36. Instituto RIA A.C., Mexico
37. Intercambios Civil Association, Argentina
38. International Drug Law Advocacy & Resource Center (IDLARC), Global
39. International Drug Policy Consortium, Global
40. Mainline, Netherlands
41. Metzineres, Spain
42. Movimento Cannabis Sem Fronteiras, Brazil
43. Organisation for the Prevention of Intense Suffering (OPIS), Switzerland
44. Penington Institute, Australia
45. Red Iberoamericana de ONG que trabajan en Drogas y Drogodependencia (RIOD), Ibero-America
46. Brazilian Harm Reduction and Human Rights Network (REDUC), Brazil
47. Release, UK
48. SAFE, France
49. Santo Amor - World Movement Freedom to Cannabis Club, Brazil
50. Skoun, Lebanon
51. Society HOPS – Healthy Options Project Skopje, North Macedonia
52. StoptheDrugWar.org, USA
53. Students for Sensible Drug Policy Australia
54. Students for Sensible Drug Policy International, Global
55. Transform Drug Policy Foundation, UK
56. Uganda Harm Reduction Network, Uganda
57. UNAD, Spain
58. Washington Office on Latin America, USA
59. Welfare and Development Association (ABD), Spain
60. World Coalition Against the Death Penalty, Global
61. Youth RISE International, Global

Endnotes

- ¹ See: Office of the United Nations High Commissioner for Human Rights, *Human Rights Day 2024*, <https://www.ohchr.org/en/get-involved/campaign/hrd2024#:~:text=Stand%20up%20for%20Human%20Rights>.
- ² See, for instance: International Drug Policy Consortium (2023), *Off track: Shadow report for the Mid-term review of the 2019 Ministerial Declaration on drugs*, <https://idpc.net/publications/2023/12/idpc-shadow-report-2024>
- ³ United Nations Human Rights Special Procedures (26 June 2024), *International Day against Drug Abuse and Illicit Trafficking – Shift from punitive approach on drug policies towards harm reduction, Statement by UN human rights experts*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/special-procedures/activities/2024-06-26-stm-World-Day-against-Drugs.pdf>
- ⁴ Office of the United Nations High Commissioner for Human Rights (2023), *Human rights challenges in addressing and countering all aspects of the world drug problem*, A/HRC/54/53, <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-ohchrs-report-human-rights-challenges-addressing-and-countering>
- ⁵ Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2024), *Drug use, harm reduction and the right to health*, A/HRC/56/52, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5652-drug-use-harm-reduction-and-right-health-report-special>
- ⁶ Special Rapporteur on extreme poverty and human rights & Special Rapporteur on adequate housing (2024), *Breaking the cycle: ending the criminalization of homelessness and poverty*, A/HRC/56/61/Add.3, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5661add3-breaking-cycle-ending-criminalization-homelessness-and>
- ⁷ See concluding observations for Albania, Cyprus, Honduras, Iceland, Kyrgyzstan, Malawi and Poland in during the 76th session of the CESCR last September: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2686&Lang=en
- ⁸ International Drug Policy Consortium (2024), *The ‘Vienna Spirit’ shatters: Report of the 67th session of the UN Commission on Narcotic Drugs and its high-level segment*, <https://idpc.net/publications/2024/08/the-vienna-spirit-shatters-report-of-the-67th-session-of-the-un-commission-on-narcotic-drugs-and>
- ⁹ Nougier, M. (28 June 2024), ‘The 2024 World Drug Report: UNODC misses the mark on human rights and harm reduction’, *IDPC Blog*, <https://idpc.net/blog/2024/06/the-2024-world-drug-report-unodc-misses-the-mark-on-human-rights-and-harm-reduction>
- ¹⁰ See previous press releases here: <https://www.unodc.org/unodc/en/press/allpress.html?ref=fp>
- ¹¹ United Nations Human Rights Committee (30 October 2018), *General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life**, CCPR/C/GC/36, para. 35, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf
- ¹² United Nations Human Rights Council (17 October 2023), *The question of the death penalty*, UN Doc A/HRC/RES/54/35, para. 9, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session42/Pages/ResDecStat.aspx>
- ¹³ United Nations Human Rights Council (11 July 2019), *Promotion and protection of human rights in the Philippines*, A/HRC/RES/41/2, para.1, <https://digitallibrary.un.org/record/3830985>
- ¹⁴ United Nations Office of the High Commissioner for Human Rights (18 August 2016), *UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388> ; <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-ohchrs-report-human-rights-challenges-addressing-and-countering>
- ¹⁵ The discriminatory impact of drug policies has been acknowledged by the UN system in, amongst other documents: United Nations Working Group on Arbitrary Detention, *Study on arbitrary detention and drug policies*, UN Doc. A/HRC/47/40, <https://www.ohchr.org/EN/Issues/Detention/Pages/Detention-and-drug-policies.aspx>; <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-ohchrs-report-human-rights-challenges-addressing-and-countering>; <https://www.ohchr.org/en/documents/thematic-reports/ahrc5652-drug-use-harm-reduction-and-right-health-report-special>; <https://www.ohchr.org/en/documents/thematic-reports/ahrc5661add3-breaking-cycle-ending-criminalization-homelessness-and>
- ¹⁶ See: Committee on Economic, Social and Cultural Rights (2 April 2020), *Concluding observations on the sixth periodic report of Norway**, E/C.12/NOR/CO/6, para. 42, <https://undocs.org/en/E/C.12/NOR/CO/6>; OHCHR (Website), *Decriminalisation of drug users*, <https://www.ohchr.org/en/video/2021/decriminalisation-drug-users>; UNAIDS (March 2019), *Health, rights and drugs – Harm reduction, decriminalization and zero discrimination for people who use drugs*, https://www.unaids.org/en/resources/documents/2019/JC2954_UNAIDS_drugs_report_2019
- ¹⁷ International Labour Organization, United Nations Development Programme, UNFPA, United Nations Human Rights Office of the High Commissioner, UNAIDS, United Nations High Commissioner for Refugees, UNICEF, United Nations Office on Drugs and Crime, UN Women, World Food Programme, World Health Organization, UNESCO, International Office on Migration (1 June 2020), *Joint statement: Compulsory drug detention and rehabilitation centres in Asia and the Pacific in the context of COVID-19*, <https://unaidsapnew.files.wordpress.com/2020/05/unjointstatement1june2020.pdf>. See also: World Health Organization & United Nations Office on Drugs and Crime (April 2020), *International standards for the treatment of drug use disorders: Revised edition incorporating results of field-testing*, https://www.unodc.org/documents/drug-prevention-and-treatment/UNODC-WHO_International_Standards_Treatment_Drug_Use_Disorders_April_2020.pdf
- ¹⁸ See: Committee on Economic, Social and Cultural Rights (8 March 2019), *Concluding observations on the fifth periodic report of Mauritius**, E/C.12/MUS/CO/5, <https://undocs.org/en/E/C.12/MUS/CO/5>; Committee on Economic, Social and Cultural Rights (29 March 2019), *Concluding observations in the second periodic report of Kazakhstan**, E/C.12/KAZ/CO/2, <https://undocs.org/en/E/C.12/KAZ/CO/2>; Human Rights Committee (19 August 2014), *Concluding observations on the fourth periodic report of Georgia**, CCPR/C/GEO/CO/4, <https://undocs.org/en/CCPR/C/GEO/CO/4>; Committee on the Elimination of

Discrimination against Women (25 November 2016), *Concluding observations on the combined eighth and ninth periodic reports of Canada**, CEDAW/C/CAN/CO/8-9, <https://undocs.org/en/CEDAW/C/CAN/CO/8-9>; United Nations Human Rights Office of the High Commissioner (16 April 2020), *Statement by the UN expert on the right to health* on the protection of people who use drugs during the COVID-19 pandemic*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25797>; UNAIDS (March 2019), *Health, rights and drugs – Harm reduction, decriminalization and zero discrimination for people who use drugs*, https://www.unaids.org/en/resources/documents/2019/JC2954_UNAIDS_drugs_report_2019

¹⁹ The United Nations Working Group on Arbitrary Detention is currently preparing a report on drug policies and arbitrary detention, that will be presented to the Human Rights Council in its 47th session.

²⁰ United Nations Office of the High Commissioner for Human Rights (13 March 2019), *Women’s rights must be central in drug policies, say UN experts at the Commission on Narcotics in Drugs*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24330&LangID=En>; Committee on the Elimination of Discrimination against Women (23 March 2012), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Brazil*, CEDAW/C/BRA/CO/7, <https://undocs.org/CEDAW/C/BRA/CO/7>; Committee on the Elimination of Discrimination against Women (14 March 2018), *Concluding observations on the seventh periodic report of Chile**, CEDAW/C/CHL/CO/7, <https://undocs.org/CEDAW/C/CHL/CO/7>