

Eurasian Harm Reduction Association (EHRA) submission

to thematic report to the UN General Assembly on

**“Welfare and Control: The paternalism of support”, issued by Special Rapporteur on
extreme poverty and human rights**

14th of February 2025

Regional overview

Repressive drug policies in Eastern Europe and Central Asia (EECA) have significantly impacted the parental rights of individuals who use drugs, often leading to the unjust removal of children from families of people of whom the childcare institutions know that they are other are in the registry¹ of people who use drugs and receive drug treatment services or are currently are patients of opioid agonist treatment programs. This issue is particularly evident in countries such as Belarus and Estonia but also was analyzed in Russia, Ukraine and other countries of the region.

In the EECA region, punitive drug laws criminalize possession of even minimal quantities of drugs, deterring individuals from seeking health and social services due to fear of legal repercussions. This environment discourages parents who use drugs from accessing support, as they risk being reported to child protection services, potentially leading to the removal of their children to orphanages or other institutions with risk to parental rights². Women who use drugs in the case of gender-based violence could not receive proper social and health care because of legal restrictions in regulation of work of shelters and other social care facilities and services which do not allow access to this support for people using drugs or those who are on drug dependency or OAT treatment³.

In the region states exercises predominantly punitive approach to women who use drugs which results in systematic violations of human rights of women with drug dependence, including cases when police officers conduct forced street drug testing on drug-dependent

¹ Golichenko, M. (2024). Transformation of drug treatment patient records in Eastern Europe and Central Asia: from list-based to individualised approach without violating human rights. Eurasian Harm Reduction Association: Vilnius, Lithuania. // <https://ehra-uploads.s3.eu-central-1.amazonaws.com/223364df-73ff-4ccc-9bd3-48f0d95a5c7c.pdf>

² DRUG POLICY AND THE FUNDAMENTAL HUMAN RIGHTS OF WOMEN WHO USE DRUGS // <https://api.harmreductioneurasia.org/c37691ca-cb0f-4668-a478-11c89acc4003.pdf>

³ https://old.harmreductioneurasia.org/wp-content/uploads/2021/05/Help-Impossible-to-Ignore_ENG.pdf

women; when child protection services force drug-dependent women to stop taking medically prescribed methadone under the threat of terminating their parental rights; when the police abuse the vulnerability of drug-dependent women, including women with children, to obtain evidence from them; or when child protection services systematically conduct inspections of houses of drug-dependent women with children; when the police and health services routinely force women to undergo drug testing with the use of urinary catheters, subjecting them to extreme humiliation, pain and suffering; when medical doctors and child protection services disclose private medical information to the police, members of the public, employers, and family members of women living with HIV and/or drug-dependent women; when state authorities do not ensure adequate access, and quality of opioid agonist treatment (OAT) for women with children; when drug-dependent women face obstacles in accessing HIV testing, ART, or Hepatitis C treatment; when there is very limited social support for drug-dependent women with children, or when no rehabilitation services are available for women with children.

Country-Specific Cases

Estonia:

In Estonia, systemic issues within child protection services have led to the infringement of parental rights of individuals who use drugs. A 2017 study involving interviews with 38 women who use drugs revealed that child protection services often force mothers to cease medically prescribed opioid substitution therapy (OST) under the threat of terminating their parental rights. This coercive approach not only violates the right to health but also deters women from seeking necessary treatment, fearing the loss of custody of their children. The study also found that the police and medical services contribute to these human rights violations, creating an environment where women who use drugs are systematically discriminated against and deprived of their rights⁴.

Drug laws and drug enforcement practices in Estonia, combined with stigma related to drugs and HIV, are the main drivers of systematic and serious violations of health, parental, child protection and labor rights of women who use drugs. The report recommends the state party to reconsider punitive approach to drug use and improve access to health and

⁴ The situation with the enjoyment of social rights among women who use drugs and/or living with HIV in Estonia: Committee on Economic, Social and Cultural Rights (CESCR) Parallel Submission for 62nd Pre-Sessional Working Group with respect to Estonia https://harmreductioneurasia.org/wp-content/uploads/2020/06/Estonia-CESCR-Report-.pdf?utm_source=chatgpt.com

social support for people who use drugs, including gender-sensitive services for women who use drugs and women with children⁵.

NN**, a woman, who use drugs from LUNEST, Estonia, made a public [statement](#)⁶ at the meeting of CECSR, in which she focused on the problems of stigma imposed by medical staff in OST centers and police, negligent attitude to personal data and violation of parental rights due to drug dependence/OST program patient status.

Child protection services in Estonia are the main obstacle to access to effective drug treatment, including OST, for women with children⁷ Child protection services often act in a similar way to the police and as such play a role in drug enforcement. Although they often act like the police, representatives of child protection services are not bound by any procedural rules. Allegedly trying to protect the best interests of the child, they visit parents who live with drug dependence to conduct home inspections (for the inspection of a child's living conditions). During the home inspections they conduct a house search, obviously without any search warrant, inspect refrigerators to see how much food parents have, search wardrobes to see the number of clothes in the household, and talk to neighbors about the parents, often disclosing their HIV status and/or other health conditions, such as drug dependence.

Child protection services often act together with the police, including to facilitate the extraction of confessions. Home inspections are often conducted along with the police; where the police are there allegedly to ensure the safety of the representatives of child protection services. In practice, the presence of the police inside or outside of a house serves to apply additional pressure on the parents.

During criminal proceedings, accused mothers often have to sign papers to relinquish their parental rights under the threat that if they do not sign, their children would be sent to an orphanage and later to unknown foster parents, instead of to their grandparents, for example.

The police often misuse the fact that an accused person has children to threaten her and extract a confession or an accusation or evidence against somebody else. Female clients

⁵ https://harmreductioneurasia.org/wp-content/uploads/2018/06/Estonia_ENG.pdf

⁶ <https://old.harmreductioneurasia.org/voices-of-the-women-who-use-drugs-from-estonia-at-the-65-session-of-the-cescr/>

⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCO%2fEST%2f30418&Lang=en

of OST programs are forced to stop OST and “get clean”, despite the importance of OST for their health and stability

Although a discriminatory provision for the deprivation of parental rights due to the drug dependence of a parent was repealed in 2009, 15 child protection services still consider drug use and dependence as reasons for restricting or depriving parental rights, assuming that any substance use puts a child in danger and thus is contrary to the child’s interests, even when a parent takes medically prescribed methadone.

Women reported strong evidence of child protection services either forcing them to stop OST under the threat of losing custody of their children, or not allowing a child to stay with another parent because this parent was a methadone patient. Women who use drugs are coerced into abstinence by child protection services with very limited or no social or legal support 38. Drug dependence treatment, including OST, is available in Estonia. However, the coverage of OST is assumed to be relatively low (<20%).

Child protection services insist that drug-dependent women stop OST and get clean.

This advice in itself is in strike contrast to World Health Organization (WHO) recommendations which state that OST is the most effective type of opioid dependence therapy. However, in addition to this, there is no single drug dependence treatment center for women with children or during pregnancy.

To regain custody of their children, women have to go to an abstinence-based rehabilitation center for 12 months, immediately find a job (even though the Narva region has an unemployment rate that is double the Estonian average), and equip their apartments to a high standard.

On a number of occasions, women lost cases to restore custody of their child because of their low social status (having no regular job) or because there were people with disabilities in their families. There are currently three known cases of women fighting to restore their parental rights and in need of quality legal and social support.

Russia

Russia's repressive drug policies and the de facto criminalization of people who use drugs result in gross human rights violations, including the infringement of parental rights. The stigmatization and criminalization associated with drug use discourage parents from

seeking necessary health services, fearing that their involvement with drug treatment programs could be used against them in child custody decisions⁸.

Ukraine

In Ukraine, similar challenges exist where parents who use drugs face the risk of losing custody of their children due to punitive drug policies. The fear of legal consequences and the potential involvement of child protection services deter individuals from accessing harm reduction services, thereby compromising both their health and their ability to maintain family unity⁹.

Kazakhstan

In Kazakhstan the access to crisis centers for women who use drugs in case of gender based violence and threat to her children is restricted due to Order of the Minister of Health and Social Development of the Republic of Kazakhstan dated December 21, 2016 No. 1079 "On Approval of the Standard for the Provision of Special Social Services to Victims of Domestic Violence". This order is used by the leadership of state crisis centers as a basis for refusing women who use drugs and women living with HIV to support services in case of violence. The standard for the provision of special social services to victims of domestic violence "(Order of the Minister of the Ministry of Health and Social Development of the Republic of Kazakhstan dated December 21, 2016, No. 1079). The presence of discriminatory articles in the legal acts and standards for the provision of special services, is a barrier to access to crisis centers. Lack of conditions and services for the housing of women who use drugs, lack of drug supply to relieve withdrawal symptoms, provide further resocialization services with the psycho-correction if necessary. These regulations and practices are causing stigma and discrimination, mistrust to social care institutions by women using drug in case of gender-based violence¹⁰.

Belarus

In Belarus, strict drug laws criminalize possession of even minimal quantities of drugs, deterring individuals from seeking health and social services due to fear of legal repercussions. This environment discourages parents who use drugs from accessing

⁸ <https://harmreductioneurasia.org/drug-policy/hr-protection/submissions-to-human-rights-mechanisms/submission-on-russia-to-un-committee-on-the-elimination-of-all-forms-of-discrimination-against-women-2020-2021>

⁹ <https://harmreductioneurasia.org/drug-policy/hr-protection/submissions-to-human-rights-mechanisms/submission-on-ukraine-to-cescr-2020>

¹⁰ https://old.harmreductioneurasia.org/wp-content/uploads/2021/05/Elena-Bilokon_presentation_June-15_EN.pdf

support, as they risk being reported to child protection services, potentially leading to the removal of their children¹¹.

In accordance with the Decree No.18 of the President of Belarus “children are subject to state protection and placement in state care in the event it is established that their parents do not properly fulfill their obligations for the children’s upbringing and support, and therefore such children are deemed to be in a socially dangerous situation (SOP)¹²”. However such prominent (and seemingly legitimate) phrasing is sometimes propped by a fundamentally different practice in comparison with the meaning of social care. Children are taken away because the fathers and the mothers are... participating in opioid agonist treatment programs, which are not welcomed by, are unacceptable to or are simply disliked by the surrounding society. Child protection services are using the usual scheme: registering women using drugs as person in social dangerous situation [high risk] and then routinely working towards the removal of the child to the orphanage (so called social-pedagogical centre) and termination of the mother’s parental rights. As a general rule, the mother is allowed to visit the child daily, except on Sundays, and the children are allowed to make scheduled telephone calls home. To maintain the parental rights mother or father need to collect a lot of documents proving their ability to be good parents, they need to improve their living conditions and in addition to that they need to pay for keeping their child in the state social-pedagogical centre. This payment is much higher than minimal salary in Belarus¹³.

¹¹ https://old.harmreductioneurasia.org/wp-content/uploads/2021/05/Help-Impossible-to-Ignore_ENG.pdf

¹² DECREE OF THE PRESIDENT OF THE REPUBLIC OF BELARUS of November 24, 2006 No. 18 About additional measures for the state protection of children in dysfunctional families <https://cis-legislation.com/document.fwx?rgn=14576>: In accordance with the Decree No.18 of the President of Belarus «About additional measures for the state protection of children in dysfunctional families» imposes on parents the need to reimburse the state the costs of the maintenance of children in case of:
taking away their children by decision of the commission for the protection of minors;
taking their children from them on the basis of a court decision without depriving them of parental rights;
deprivation of their parental rights;
finding them on the wanted list, medical and labor dispensaries or in places of detention;
serving sentences in institutions, execution of a sentence of imprisonment, restriction of freedom, arrest”

¹³ Parents deprived of parental rights, parents from whom children are taken away without deprivation of parental rights by court decision, parents from whom children are taken away by decision of the juvenile affairs commission, parents who are wanted, in therapeutic labor preventive centres or in places of detention, parents sentenced to punishment in the form of restriction of liberty with assignment to an open-type correctional institution, arrest, deprivation of liberty for a specified period of time, or life imprisonment, shall reimburse in full the costs of maintenance of children for the following
The obligation to reimburse child maintenance costs arises from the day on which the child is placed on State support, but not earlier than the day on which a decision is taken to remove the child, a decision is issued by the body conducting the criminal proceedings, or a judgement or other court order enters into force with respect to the parents (single parent) or one of the parents referred to in paragraph 1 of this article

In the case of Natasha (published with her consent¹⁴) illustrates the severe impact of punitive drug policies on parental rights. Natasha, a mother who used drugs, faced the removal of her child by child- protection services solely based on her drug use status. Despite her efforts to seek treatment and provide a stable environment for her child, the authorities prioritized her drug use history over her parental capabilities, leading to the separation of the family. This case underscores the lack of safeguards to protect the rights of parents who use drugs and highlights the need for policy reforms to prevent such human rights violations.

Safeguards and Recommendations:

To address these issues, it is essential to implement safeguards that protect the rights of parents who use drugs:

1. **Decriminalisation of Drug Use and Possession for Personal Use:** it is needed to reconsider the punitive approach to drug use and consider decriminalization of simple possession for personal use

(hereinafter, unless otherwise specified, the obliged persons), unless otherwise established by the present Code. The **Code of Marriage and Family of the Republic of Belarus** (<https://pravo.by/document/?guid=3871&p0=hk9900278>) outlines the legal framework governing family relations in Belarus. Articles 93 to 93.2 of this code specifically address the conditions under which parental rights may be restricted or terminated.

Article 93 details the grounds for restricting parental rights, which may include circumstances where parents neglect their duties or engage in behavior detrimental to the child's well-being.

Article 93.1 elaborates on the procedures for restricting parental rights, including the involvement of child protection services and the judiciary.

Article 93.2 addresses the consequences of such restrictions, including the potential removal of the child from the family home and the limitations placed on parental authority.

The amounts of monthly charges for the maintenance of children in state care are established in accordance with Decision No. 932 of the Council of Ministers of the Republic of Belarus of 22 December 2023.

As of 01.01.2025, according to the Decision, the amount of funds for the maintenance of children under state support is as follows: 3-6 years of age: boys and girls monthly - 528.84 roubles (Br).

7-10 years old: boys monthly - 582.77 Br, Girls monthly - 619.34 Br.

11-13 years old: boys monthly - 607.02 Br, girls monthly - 643.59 Br.

14-17 years old: boys monthly - 626.24 Br, girls monthly - 662.81 Br. (the source <http://www.gomel-ggspc.guo.by/sotsialnyiy-priyut/o-vozmeshchenii-sredstv-za-soderzhanie-detey#gsc.tab=0>)

Compare with the minimal salary in Belarus defined for 01.01.2025 in the amount of 726 Br

(<https://myfin.by/wiki/term/minimalnaya-zarabotnaya-plata>). According to the [National Statistical Committee of the Republic of Belarus](#) (Belstat), the average accrued wage in the country as of December 2024 was 2,693.9 Br. (source <https://myfin.by/wiki/term/srednyaya-zarplata-v-belarusi>).

¹⁴ <https://old.harmreductioneurasia.org/natasha-case-belarus/>

2. **Non-Punitive Support Services:** Ensure that poverty or inability to meet a child's needs is not treated as neglect. Provide financial and social support to families in need, rather than resorting to child removal from families.
3. **Confidentiality Protections:** Guarantee the privacy rights of families by implementing strict confidentiality protocols within child protection services. This includes safeguarding medical information related to drug dependence and treatment.
4. **Encouraging Service Engagement:** Establish clear policies that separate child protection proceedings from parents' participation in drug treatment programs. This approach encourages parents to seek support without fear of losing custody of their children.
5. **Improving access to health and social support for people who use drugs,** including gender-sensitive services for women who use drugs and women with children.