



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

2<sup>nd</sup> December 2021

Dear Ms. Waly,

**Subject: Open letter on UNODC statement on International Human Rights Day 2021**

***We urge you to mark International Human Rights Day 2021 by calling on Member States to change drug policies and practices that violate human rights and perpetuate inequality and discrimination.***

We are writing to you ahead of International Human Rights Day 2021, which will take place on the 10<sup>th</sup> December amidst escalating global demands for the reform of laws and practices that entrench racial discrimination and social inequality, including drug policies. Last year, IDPC – together with dozens of other civil society and community organisations – [called on you](#) to issue a statement on International Human Rights Day urging Member States to change drug laws and practices that undermine health and human rights. A year later, we ask you to seize this day as an opportunity to show UNODC’s alignment with other UN entities in calling for an end to drug policies and practices that perpetuate inequality and discrimination, and violate human rights.

For decades, punitive drug policies have driven widespread human rights abuses, as has been amply documented by the UN.<sup>1</sup> These include the death penalty for drug offences; extrajudicial killings; arbitrary detention, often masquerading as ‘rehabilitation’; the denial of access to life-saving harm reduction services; widespread barriers to accessing controlled medicines for pain relief; the criminalisation of people who use drugs, subsistence farmers and others groups in situations of vulnerability; corporal punishment; and mass incarceration. In all of these cases, draconian drug policies have disproportionately affected people marginalised on the basis of their gender, race, ethnicity, and economic status, thus entrenching inequality and discrimination.

Along 2021, a broad range of UN entities called on Member States to reform drug policies with discriminatory outcomes. In June 2021, the UN Working Group on Arbitrary Detention released a landmark study on arbitrary detention and drug policies,<sup>2</sup> which found that ‘*the war on drugs may be understood to a significant extent as a war on people. Its impact is often greatest on those who are poor, but also frequently overlaps with discrimination in law enforcement directed at vulnerable groups*’. At the same time, the UN High Commissioner for Human Rights published a new ‘Agenda towards transformative change for racial justice and equality’,<sup>3</sup> highlighting that ‘*The discriminatory application of criminal law must be tackled at every stage, including by reforming drug-related policies*’. The High Commissioner’s proposal led to Human Rights Council Resolution 47/21,<sup>4</sup> which contains key commitments to uproot systemic racism in the law enforcement and criminal justice systems. The Political Declaration on HIV and AIDS,<sup>5</sup> adopted in June 2021, also showcased the international community’s commitment to ending inequalities as a step towards ending AIDS. Lastly, the new UN system Common Position on Incarceration, led by UNODC in partnership with other UN entities, notes ‘*the overrepresentation of minority and marginalized groups among prisoners, many of whom are charged with petty and nonviolent offences*’ and commits the UN system to ‘*support reform efforts aimed at ensuring proportionate and individualized sentencing and alternatives to conviction or punishment in appropriate cases, including for minor drug-related offences*’.<sup>6</sup>

These various commitments emerging across the United Nations are aligned with the 2018 Chief Executives Board's UN System Common Position on drug-related matters, which makes clear that '*National drug control programmes (...) should be designed and implemented by States in accordance with their human rights obligations*', and commits all UN agencies, including UNODC, to support drug policies '*that put people, health, and human rights at the centre*'.<sup>7</sup>

Similar human rights concerns have been highlighted in the just-released Global Drug Policy Index, which measures and ranks the national drug policies of 30 countries according to how well they align with the UN system Common Position on Drugs and its Task Team report of March 2019.<sup>8</sup>

The theme of the 2021 International Human Rights Day is 'Equality: Reducing inequalities, advancing human rights', and is aimed at '*addressing and finding solutions for deep-rooted forms of discrimination that have affected the most vulnerable people in societies*'.<sup>9</sup> As such, it presents a crucial opportunity for UNODC to align itself with other UN entities in calling for the end of policies that perpetuate inequality and discrimination, while highlighting its commitment to the promotion of human rights, in line with the UN system Common Positions.

It is in this context that we urge you to issue a strong statement on International Human Rights Day, calling on states to change the drug laws, policies and practices that violate health and human rights, and entrench inequality. To be credible, such a statement should explicitly acknowledge the disproportionate impact of drug laws and drug control on people marginalised on the basis of their gender, race, ethnicity, and economic status, and urge 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 Committee<sup>10</sup>, and the Human Rights Council.<sup>11</sup>
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 Council<sup>12</sup> and UN human rights experts.<sup>13</sup>
3. Permanently close compulsory drug detention centres, including those that masquerade as 'rehabilitation', and implement voluntary, evidence-informed, and rights-based health and social services, as recently called for by sixteen UN agencies, including UNODC.<sup>14</sup>
4. Stress the urgent need to provide accessible, affordable, and adequately funded harm reduction services in community and closed settings, to fulfil the right to health and the right to life of people who use drugs, as demanded by several UN human rights bodies and experts.<sup>15</sup> This is also central to UNODC's core role as lead UNAIDS co-sponsor regarding prisons and HIV amongst people who use drugs.
5. Take immediate measures to address prison overcrowding, as already recommended by UNODC<sup>16</sup> and the UN High Commissioner for Human Rights in the wake of the COVID-19 pandemic,<sup>17</sup> by promoting alternatives to incarceration, and ensuring proportionate sentencing for all drug offences, including by taking into account mitigating factors – in line with the basic principle that prisons should only be used as a last resort in all circumstances.

6. Ensure that people who use drugs are not subject to arbitrary detention,<sup>18</sup> torture, or ill-treatment – whether in state custody or public or private drug services. While under detention, people with a drug dependence or health problems associated with their drug use must be offered evidence-based treatment, harm reduction and other drug services on a strictly voluntary basis.<sup>19</sup>
7. Promote the end of all punishment for drug use, and drug possession and cultivation for personal use, as permitted within the three drug control conventions. Such policy shifts will help to end the stigma, criminalisation, and exclusion faced by people who use drugs, and to facilitate access to health and social services, as called for by the UN system Common Position, UNAIDS, and UN human rights bodies.<sup>20</sup>
8. Make sure that drug policies incorporate a gender-sensitive perspective. This should be done by tailoring drug services to the specific needs of women, and by ensuring that criminal laws take into account the circumstances of women involved in drug offences, as most of them come from backgrounds of poverty, marginalisation, and oppression.<sup>21</sup>
9. Clearly outline the ways in which UNODC will work to achieve these changes, and the measures being taken to ensure that human rights are effectively embedded as a core strand for all of the Office’s work.

As the lead UN agency in drug-related matters, UNODC has the responsibility to promote drug policies that respect, protect, and fulfil human rights, in a way that is consistent with the standards developed by the UN system, and in line with the commitments set in the UN system Common Positions on drugs and on incarceration. A strong statement in the forthcoming International Human Rights Day would be an important and welcome step to signal UNODC’s unequivocal commitment.

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

Yours Sincerely,



Ann Fordham  
Executive Director  
International Drug Policy Consortium

**Co-signatory organisations:**

1. AIDES, France
2. AIDS & Rights Alliance for Southern Africa, Regional
3. African Law Foundation (AFRILAW), Nigeria
4. Aksion Plus, Albania
5. Akzept E.V., Germany
6. Alcohol and Drug Foundation, Australia
7. Alliance for Public Health, Ukraine
8. Amnesty International, International

9. APDES - Agência Piaget Para O Desenvolvimento, Portugal
10. Asia Catalyst, United States and Thailand
11. Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID), Costa Rica
12. Associação Direitos Humanos em Rede (Conectas Direitos Humanos), Brazil
13. Association de Lutte Contre le Sida (ALCS), Morocco
14. Association for Humane Drug Policy, Norway
15. Association for Safer Drug Policies Sweden, Sweden
16. Association Guyanaise de Réduction des Risques (AGRRR), French Guyane
17. Associazione Luca Coscioni, Italy
18. Bensther Development Foundation, Nigeria
19. Centre on Drug Policy Evaluation, Canada
20. Centro de Orientacion e Investigación Integral (COIN), Dominican Republic
21. Collectif Urgence Toxida, Mauritius
22. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos AC, Mexico
23. Corporacion Viso Mutop, Colombia
24. Correlation-European Harm Reduction Network, Regional
25. Développement Rassemblement Information et Prevention, Mauritius
26. Drug Policy Australia Ltd, Australia
27. Drug Policy Network South East Europe, Regional
28. Drug Policy Project (Institute for Policy Studies), United States
29. Društvo AREAL, Slovenia
30. ECOM - Eurasian Coalition on Health Rights Gender and Sexual Diversity, Regional
31. Elementa DDHH, Colombia and Mexico
32. Episteme Investigació i Intervenció Social, Spain
33. Estonian Network PLWHIV, Estonia
34. EUMans, Regional
35. European Network of People who Use Drugs (EuroNPUD), Regional
36. FAAAT, France
37. Fachverband Sucht, Switzerland
38. Fedito Bxl, Belgium
39. Finnish Association for Humane Drug Policy (HPP Ry), Finland
40. Foreningen Tryggere Ruspolitikk, Norway
41. Forum Droghe, Italy
42. Fundación Latinoamerica Reforma, Chile
43. Harm Reduction Australia, Australia
44. Harm Reduction International, International
45. Harm Reduction Nurses Association, Canada
46. Health Poverty Action, International
47. Hepatitis Education Project, United States
48. HIV Legal Network, Canada
49. Indonesian Harm Reduction Network (JANGKAR), Indonesia
50. Instituto RIA AC, Mexico
51. Intercambios Civil Association, Argentina
52. Intercambios Puerto Rico, Puerto Rico
53. International Center for Ethnobotanical Education Research and Service (ICEERS), International
54. La Società della Ragione, Italy
55. Lab57, Italy
56. LBH Masyarakat, Indonesia
57. Mainline, Netherlands
58. Meglio Legale, Italy
59. Metzineres Environments of Shelter for women who use drugs surviving violence, Spain
60. Mexico Unido Contra la Delincuencia (MUCD), Mexico
61. NoBox Philippines, Philippines
62. Ozone Foundation, Thailand
63. Paroles Autour de la Santé, Mali
64. Penal Reform International, International
65. Perkumpulan Rumah Cemara, Indonesia
66. Re Generation, Serbia
67. Release, United Kingdom
68. Recovering Nepal, Nepal
69. REDUC – Brazilian Network of the Harm Reduction and Human Rights, Brazil
70. RESET - Política de Drogas y Derechos Humanos, Argentina
71. Revs Plus, Burkina Faso
72. Rights Reporter Foundation, Hungary
73. Science for Democracy, Belgium
74. Skoun Lebanese Addictions Center, Lebanon



75. Slon
76. SSDP International, International
77. Steps, Greece
78. Stop Overdose Now, Netherlands
79. TB HIV Care, South Africa
80. Transnational Institute, International
81. UISCE, Ireland
82. Washington Office on Latin America (WOLA), Regional
83. West Africa Drug Policy Network, Regional
84. Women & Harm Reduction International Network, International
85. Women Nest, Kenya
86. Youth RISE, International
87. YouthRISE Nigeria, Nigeria
88. Zimbabwe Civil Liberties and Drug Network, Zimbabwe

## Endnotes

- <sup>1</sup> For an overview, see: United Nations Office of the High Commissioner for Human Rights (2015), *Study on the impact of the world drug problem on the enjoyment of human rights*, UN Doc A/HRC/30/65, <https://undocs.org/A/HRC/30/65>; International Drug Policy Consortium (2019), *Taking stock: A decade of drug policy*, <https://idpc.net/publications/2018/10/taking-stock-a-decade-of-drug-policy-a-civil-society-shadow-report>
- <sup>2</sup> 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>
- <sup>3</sup> United Nations Office of the High Commissioner for Human Rights (2021), Agenda towards transformative change for racial justice and equality, UN Doc. A/HRC/47/53, <https://www.ohchr.org/EN/Issues/Racism/Pages/Call-Implementation-HRC-Resolution-43-1.aspx>
- <sup>4</sup> United Nations Human Rights Council (2021), Resolution 47/21 Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality, UN Doc. A/HRC/RES/47/21, [file:///Users/adriacotsfernandez/Downloads/A\\_HRC\\_RES\\_47\\_21\\_E%20\(1\).pdf](file:///Users/adriacotsfernandez/Downloads/A_HRC_RES_47_21_E%20(1).pdf)
- <sup>5</sup> United Nations General Assembly (2021), *Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to Ends AIDS by 2030*, [https://www.unaids.org/sites/default/files/media\\_asset/2021\\_political-declaration-on-hiv-and-aids\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/2021_political-declaration-on-hiv-and-aids_en.pdf)
- <sup>6</sup> For both citations, see: United Nations on Drugs and Crime *et al.* (2021), *United Nations System Common Position on Incarceration*, [https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN\\_System\\_Common\\_Position\\_on\\_Incarceration.pdf](https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf)
- <sup>7</sup> United Nations Chief Executives Board (2018), *UN system Common Position on drug related matters*, UN Doc. CEB/2018/2, <https://undocs.org/en/CEB/2018/2>
- <sup>8</sup> The Global Drug Policy Index is available here: [www.globaldrugpolicyindex.net](http://www.globaldrugpolicyindex.net)
- <sup>9</sup> United Nations (2021), *Human Rights Day 10 December*, <https://www.un.org/en/observances/human-rights-day>
- <sup>10</sup> 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\**, UN Doc. CCPR/C/GC/36, para. 35, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf)
- <sup>11</sup> United Nations Human Rights Council (27 September 2019), *The question of the death penalty*, UN Doc A/HRC/RES/42/24, para. 4, <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session42/Pages/ResDecStat.aspx>
- <sup>12</sup> United Nations Human Rights Council (11 July 2019), *Promotion and protection of human rights in the Philippines*, UN Doc A/HRC/RES/41/2, para.1, <https://digitallibrary.un.org/record/3830985>
- <sup>13</sup> United Nations Human Rights Office of the High Commissioner (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>
- <sup>14</sup> 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](https://www.unodc.org/documents/drug-prevention-and-treatment/UNODC-WHO_International_Standards_Treatment_Drug_Use_Disorders_April_2020.pdf)
- <sup>15</sup> 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

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<sup>16</sup> United Nations Office on Drugs and Crime (31 March 2020), *Position paper: COVID-19 preparedness and responses in prison*, [https://www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Position\\_paper\\_COVID-19\\_in\\_prisons.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Position_paper_COVID-19_in_prisons.pdf)

<sup>17</sup> United Nations Human Rights Office of the High Commissioner (25 March 2020), *Urgent action needed to prevent COVID-19 “rampaging through places of detention” – Bachelet*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

<sup>18</sup> 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 47<sup>th</sup> session

<sup>19</sup> See: United Nations General Assembly (6 August 2010), *Right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, A/65/255, <https://undocs.org/en/A/65/255>; Committee against Torture (26 January 2017), *Concluding observations on Cabo Verde in the absence of a report\**, CAT/C/CPV/CO/1, <https://undocs.org/en/CAT/C/CPV/CO/1>; Committee against Torture (12 December 2008), *Consideration of reports submitted by states parties under article 19 of the Convention: Concluding observations of the Committee against Torture: China*, CAT/C/CHN/CO/4, <https://undocs.org/en/CAT/C/CHN/CO/4>

<sup>20</sup> 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>; 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](https://www.unaids.org/en/resources/documents/2019/JC2954_UNAIDS_drugs_report_2019)

<sup>21</sup> United Nations Human Rights Office of the High Commissioner (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>