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**Statement**

**Human Rights Council**

**Intersessional panel on human rights challenges in addressing the world drug situation**

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High Commissioner, Excellencies, ladies and gentlemen, colleagues,

It is a privilege to be part of this distinguished panel today. It has been over a decade since United Nations human rights bodies began breaking down the silos that separated drug policy and human rights. Through tireless efforts, the Office of the High Commissioner for Human Rights and other human rights entities have had a truly transformational effect on global drug policy debates. They have shone a spotlight on the catastrophic impacts of the so-called 'war on drugs' which can no longer be denied or downplayed. And I feel confident that, sooner than later, this critical work will transform the global approach to drugs.

It is my honour to represent the International Drug Policy Consortium, a global network of over 190 NGOs from over 75 countries who come together to promote drug policies grounded in human rights and social justice.

For decades, the unrealistic goal of achieving a 'drug-free society' has driven drug policies based on prohibition, criminalisation and harsh punishment. The harms caused by these policies can only be repaired by making sure that civil society and community organisations play a central role in bringing forward evidence and lived experience to inform and shape drug policies. Member States and UN bodies have a responsibility to honestly listen to civil society and affected communities, including people who use drugs, as well as subsistence farmers, producers, people who have been incarcerated and all those who have been disproportionately impacted, and to reflect on how to reform a global system that has so clearly failed.

## The midterm review and the shadow report

I begin on a sobering note. As we have heard today, the United Nations is in the midst of conducting the midterm review of the current global drug strategy, the 2019 Ministerial Declaration on Drugs.

In December, IDPC launched a Shadow Report to evaluate the progress made by the international community in addressing the 12 challenges identified in the 2019 Ministerial Declaration.

The conclusion is that little to no progress has been made, and the situation remains grave. Despite billions spent every year on drug law enforcement, the illegal drug market is thriving, and militarised responses are fueling violence and conflict. Drug-related deaths remain at historical highs – over half a million deaths per year, driven in many places by a deadly, toxic and unpredictable drug supply - while access to harm reduction, treatment, and other support services falls dramatically short of what is needed. Access to controlled medicines for pain relief and palliative care also remains low to non-existent in many parts of the world.

Our report also highlights that, in all regions, the human rights impacts of drug control have either worsened, or remained unchanged. These abuses are widespread and range from the ongoing use of the death penalty, extrajudicial killings, arbitrary arrests and detention, mass incarceration, and cases of torture masquerading as ‘treatment’. There is also widespread discrimination on the basis of race, gender, age and socio-economic status.

In sum, we absolutely concur with the High Commissioner’s finding that the world drug situation has a major impact on the enjoyment of human rights. The United Nations system - both in Geneva and in Vienna - needs to recognise this reality, and initiate a process of institutional transformation that brings an end to the current paradigm.

## Policy shifts in the right direction

The good news is that global drug policy is poised to change. For instance, this panel has been convened at the request of the historical 2023 Human Rights Council resolution on human rights in drug policy, which broke the taboo on harm reduction, and recognised the centrality of gender, Indigenous Peoples rights, and racial justice in drug policy debates. Such progress would have been unthinkable a few years ago.

The resolution also requested the preparation of the report on human rights challenges in drug policy presented by the High Commissioner today - a truly ground-breaking document that

presents a clear blueprint for global reform. At its release, the report was welcomed by a joint statement by 134 NGOs, urging Member States to take on the High Commissioner's recommendations. And the report is already being used by advocates for reforms all over the world.

Drug policy itself is shifting. By the end of 2023, 66 jurisdictions in 40 countries had decriminalised drug use and possession for personal use - a measure endorsed by the UN Common Position on drugs, and described by OHCHR as “ a powerful instrument to ensure that the rights of people who use drugs are protected”. Over 300 million people live in legal systems that have regulated drugs like cannabis for recreational use, thus checking the power of organised crime and the pressure of the police on people who use drugs, and marginalised populations. Many other jurisdictions will follow soon. At the request of Bolivia, the WHO recently initiated a critical review of the status of the coca leaf under the drug control conventions - a measure that could end the global prohibition on the coca leaf, thus reinstating the rights of Indigenous Peoples that have used the plant for centuries.

#### The role of Geneva in fostering change and call for a special mandate

Human rights bodies have been indispensable in building this global moment for change, and their contributions are not ending anytime soon. To put only two examples, the UN special rapporteur on the right to health will release this year a much expected and much necessary report on harm reduction within the framework of the right to health. And the Committee on Economic Social and Cultural Rights continues to make progress towards the adoption of the General Comment on drug policy, which already started in 2022.

The Office of the High Commissioner for Human Rights must be praised, not only for the landmark 2023 report, but also for tirelessly supporting advocates and civil society seeking reform at both international and national level. Its presence in Vienna has been consequential, and it needs to be continued and strengthened through regular reporting and interventions at the UN Commission on Narcotic Drugs.

In spite of this progress, the contribution of human rights mechanisms has been limited in scope, and inevitably depends on the personal interest of each mandate holder. If we want to ensure a genuine understanding of the human rights dimension of drug policies and to generate recommendations that will change the system, a further step needs to be taken.

In that regard, we urge the Human Rights Council to move towards the creation of a special procedure mandate on human rights and the world drug situation. A special mandate - either a

special rapporteur or a working group - is necessary to provide evidence on the broad range of dimensions in which the drug phenomenon impacts human rights, shed the light on the situation of affected communities, and most importantly to develop in a coherent and systematic way the international standards necessary to bring a new drug policy paradigm to reality.

A quick look at the themes of the over 50 special procedure mandates already existing today makes clear that the scale of the human rights impacts associated to the world drug situation - over half a million drug-related deaths per year, and 20% of the global prison population - warrants the creation of a mechanism. I hope that this is a recommendation that we can discuss today and in the coming days.

Finally, I wanted to reiterate that the High Commissioner's report is a historical moment that builds on the encouraging momentum that we've seen over the past decade in firmly centring human rights in UN drug policy debates. Our hope is that true transformational change is coming that heralds a genuine paradigm shift away from repression and punishment towards drug policies that truly prioritise human rights, and the health and welfare of humankind.