

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

30<sup>th</sup> November 2022

Dear Ms. Waly,

**Subject: Open letter on occasion of International Human Rights Day 2022**

***We urge you to mark International Human Rights Day 2022 by calling on Member States to change drug policies and practices to fulfil the Universal Declaration of Human Rights, and to place human rights at the centre of all dimensions of UNODC's work***

We are writing to you ahead of International Human Rights Day on 10<sup>th</sup> December 2022, which will celebrate the legacy and relevance of the Universal Declaration of Human Rights ahead of its 75<sup>th</sup> anniversary. For the past two years,<sup>1</sup> dozens of civil society and community organisations have 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. We reiterate this petition once again, as we call on you to mainstream human rights into all dimensions of UNODC's work.

The human rights catastrophe brought about by punitive drug policies is well documented by the United Nations system.<sup>2</sup> Every year, UN human rights experts pay increasing attention to the human rights consequences of drug policies, and more are announced to come soon.<sup>3</sup> The recent and unprecedented joint statement<sup>4</sup> released on 26th June 2022 (UN World Drug Day) by 13 UN human rights special mandates, in particular, notes that *'the UN system, the international community and individual Member States have a historical responsibility to reverse the devastation brought about by decades of a global "war on drugs"'*. The joint statement calls on all UN agencies to *'ground their drug policy responses in international human rights law and standards'*, and to ensure that their *'financial and technical assistance on drug policy'* promotes responses that are *'gender responsive'* while *'actively seeking to protect human rights and fundamental freedoms'*.

As the lead UN agency on drug-related matters, this call concerns UNODC most of all.

Furthermore, both the 2016 UNGASS Outcome Document and the 2019 Ministerial Declaration – alongside the UN System Common Position on drugs – commit the international community to ensure that drug policies are aligned with human rights obligations. As explained by the INCB on the occasion of the 2020 International Human Rights Day, *'Human rights are inherent and inalienable. The world drug problem cannot be lawfully addressed without ensuring the protection of human rights'*.<sup>5</sup> The recent intersessional meeting of the Commission on Narcotic Drugs showcased the growing centrality of human rights at the Commission, as well as the increasing presence of human rights bodies and experts in Vienna.

Taking into consideration the theme of this year's International Human Rights Day, we urge you once again to mark this occasion with a strong statement, calling on states to reform drug laws, policies and practices in order to align them with the Universal Declaration of Human Rights. To be credible, such a statement 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 Committee,<sup>6</sup> and the Human Rights Council.<sup>7</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>8</sup> and UN human rights experts.<sup>9</sup>
3. Acknowledge the disproportionate impact of drug laws and drug control on people marginalised on the basis of their gender, race, ethnicity, and socio-economic status.<sup>10</sup>
4. Promote the end of all 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, and UN human rights bodies.<sup>11</sup>
5. 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>12</sup>
6. Stress the urgent need to provide accessible, affordable, and adequately funded harm reduction services– including by well-funded peer-led services –, to fulfil the right to health and the right to life of people who use drugs.<sup>13</sup> This is also central to UNODC’s core role as lead UNAIDS co-sponsor regarding prisons and HIV amongst people who use drugs.
7. Take immediate measures to address prison overcrowding, as already recommended by your own agency<sup>14</sup>, the UN Common Position on incarceration and the UN High Commissioner for Human Rights in the wake of the COVID-19 pandemic,<sup>15</sup> in line with the basic principle that prisons should only be used as a last resort in all circumstances.
8. Ensure that people who use drugs are not subject to arbitrary detention,<sup>16</sup> torture, or ill-treatment – whether in state custody or in public or private drug services.
9. Make sure that drug policies incorporate a gender-sensitive perspective, 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>17</sup>

As the lead UN agency in drug-related matters, UNODC has the responsibility to promote drug policies that respect, protect, and fulfil human rights, including where appropriate to clearly speak out for their reform, in line with the commitments made in the UN System Common Position on drugs.<sup>18</sup>

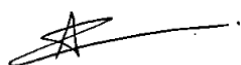
In that regard, we also call on you to use your leadership at UNODC to place human rights at the centre of all dimensions of the agency’s work. This should include not only providing technical guidance to member states, but also:

- Ensuring that 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 by remedying the current absence of human rights in the World Drug Report;
- Stepping up UNODC’s involvement in human rights cases that require urgent action, in close cooperation with civil society and with other UN entities, including where appropriate through public statements and diplomatic interventions;

- Working as the lead of the Task Team responsible for the implementation of the UN System Common Position on drugs to update the Task Team’s excellent 2019 report<sup>19</sup> as a key contribution to the 2024 mid-term review of the 2019 Ministerial Declaration.

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

Yours sincerely,



Ann Fordham  
Executive Director  
International Drug Policy Consortium

#### Co-signatory organisations:

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| <ol style="list-style-type: none"> <li>1. Africa Network of People who Use Drugs (AfricaNPUD), Tanzania</li> <li>2. African Law Foundation (AFRILAW), Nigeria</li> <li>3. AGRRR, French Guyana</li> <li>4. AIDES, France</li> <li>5. Akzept e.V Bundesverband für akzeptierenden Drogenarbeit und Human Drogenpolitik, Germany</li> <li>6. Alcohol and Drug Foundation, Australia</li> <li>7. Alliance for Public Health, Ukraine</li> <li>8. Alternative Georgia, Georgia</li> <li>9. ANCS SÉNÉGAL, Sénégal</li> <li>10. Andrey Rylkov Foundation for Health and Social Justice, Russia</li> <li>11. APDES, Portugal</li> <li>12. Asociación Bienestar y Desarrollo, Spain</li> <li>13. Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID), Costa Rica</li> <li>14. Asociația RHRN - Romanian Harm Reduction Network, Romania</li> <li>15. Associazione Luca Coscioni, Italy</li> <li>16. Bensther Development Foundation, Nigeria</li> <li>17. Canadian Drug Policy Coalition, Canada</li> <li>18. Centre of Excellence for Research in AIDS (CERiA), Malaysia</li> <li>19. Centre on Drug Policy Evaluation, Canada</li> <li>20. Centro de Convivência É de Lei, Brazil</li> <li>21. Centro de Estudos de Segurança e Cidadania, Brazil</li> <li>22. Centro de Orientación e Investigación Integral, Dominican Republic</li> <li>23. Citywide Drugs Crisis Campaign, Ireland</li> </ol> | <ol style="list-style-type: none"> <li>24. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C., Mexico City</li> <li>25. Conectas Direitos Humanos, Brasil</li> <li>26. Corporación Acción Técnica Social, Colombia</li> <li>27. Corporación Humanas Centro Regional de Derechos Humanos y Justicia de Género, Colombia</li> <li>28. Corporación Humanas Chile, Chile</li> <li>29. Corporación Viso Mutop, Colombia</li> <li>30. Correlation - European Harm Reduction Network, Netherlands</li> <li>31. Dejusticia, Colombia</li> <li>32. Drug Policy Advocacy Group, Myanmar</li> <li>33. Drug Policy Alliance, United States of America</li> <li>34. Drug Policy Network South East Europe, Serbia</li> <li>35. East African Harm Reduction Network, Uganda</li> <li>36. Elementa DDHH, Colombia and Mexico</li> <li>37. Episteme Investigació i Intervenció Social, Spain</li> <li>38. EQUIS Justicia para las Mujeres, México</li> <li>39. Eurasian Harm Reduction Association (EHRA), Lithuania</li> <li>40. Fédération Addiction, France</li> <li>41. Fédération Bruxelloise Francophone des Institutions pour Toxicomanes, Belgium</li> <li>42. Foreningen Tryggere Ruspolitikk, Norway</li> <li>43. Frontline AIDS, United Kingdom</li> <li>44. Fundación Latinoamericana Reforma, Chile</li> <li>45. Groupement Romand d'Etudes des Addictions (GREA), Switzerland</li> <li>46. Harm Reduction Australia, Australia</li> <li>47. Harm Reduction International, Global</li> </ol> |
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48. Harm Reduction Nurses Association/L'association des infirmiers et infirmières en réduction des méfaits, Canada
49. Health Poverty Action, United Kingdom
50. Helsinki Foundation for Human Rights, Poland
51. HIV Legal Network/Réseau Juridique VIH, Canada
52. HOPS- Healthy Options Project Skopje, North Macedonia
53. Humaania päihdepolitiikkaary, Finland
54. Indonesian Harm Reduction Network, Indonesia
55. Instituto RIA, Mexico
56. Intercambios Civil Association, Argentina
57. International Center for Ethnobotanical Education, Research and Service (ICEERS), Spain
58. International Drug Law Advocacy & Resource Center (IDLARC), USA
59. Law Enforcement Action Partnership, USA, U.K. and France
60. Lawyers Collective, India
61. LBH Masyarakat (LBHM), Indonesia
62. Mainline, Netherlands
63. Me Representa, Brasil
64. Médecins du Monde, France
65. Metzineres, Spain
66. Mexico United Against Crime (MUCD), Mexico
67. Middle East & North Africa Harm Reduction Association (MENAHR), Lebanon
68. National Harm Reduction Coalition, United States of America
69. New Zealand Needle Exchange Programme, New Zealand
70. NGO Re Generation, Serbia
71. NoBox Transitions Foundation, Inc. (NoBox Philippines), Philippines
72. Nyasa Rainbow Alliance, Malawi
73. NZ Drug Foundation, New Zealand
74. ONG REVS PLUS, Burkina Faso
75. Organisation for the Prevention of Intense Suffering (OPIS), Switzerland
76. Paroles Autour de la Santé Guadeloupe, Guadeloupe
77. Penal Reform International, Netherlands
78. Penington Institute, Australia
79. Perkumpulan Rumah Cemara, Indonesia
80. Plataforma Brasileira de Política de Drogas, Brazil
81. PREKURSOR Foundation for Social Policy, Poland
82. Recovering Nepal, Nepal
83. Release, United Kingdom
84. Release L.E.A.D.S., United Kingdom
85. RESET - Drug policy and human rights, Argentina
86. Rights Reporter Foundation, Hungary
87. Scottish Drugs Forum Scotland, United Kingdom
88. Skoun, Lebanese Addictions Center, Lebanon
89. Society Against Sexual Orientation Discrimination (SASOD), Guyana
90. South African Network of People Who Use Drugs, South Africa
91. Steps Non Profit Organization, Greece
92. StoptheDrugWar.org, United States of America
93. Students for Sensible Drug Policy International, Austria
94. TB HIV CARE, South Africa
95. Trans Research Education Advocacy and Training, Zimbabwe
96. Transnational Institute (TNI), Netherlands
97. Transform Drug Policy Foundation, United Kingdom
98. Uganda Harm Reduction Network (UHRN), Uganda
99. Uganda Key Populations Consortium (UKPC), Uganda
100. West Africa Drug Policy Network, Ghana
101. Washington Office on Latin America, United States of America
102. Worldwide Hospice Palliative Care Alliance, United Kingdom
103. Youth Organisations for Drug Action, Poland
104. Youth RISE, Ireland
105. Zimbabwe Civil Liberties and Drug Network, Zimbabwe

## Endnotes

- <sup>1</sup> See: <https://idpc.net/news/2020/12/100-ngos-sign-open-letter-to-ms-ghada-waly-calling-for-strong-unodc-statement-on-international-human-rights-day>; <https://idpc.net/news/2021/12/ngos-urge-unodc-s-executive-director-to-mark-human-rights-day-with-a-call-to-reform-drug-policies-that-entrench-inequality>
- <sup>2</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>3</sup> See recent announcement in: <https://www.ohchr.org/en/news/2022/10/committee-economic-social-and-cultural-rights-concludes-seventy-second-session-after>
- <sup>4</sup> United Nations Office of the High Commissioner for Human Rights (24 June 2022), *End war on drugs and promote policies rooted in human rights: UN experts*, <https://www.ohchr.org/en/statements/2022/06/end-war-drugs-and-promote-policies-rooted-human-rights-un-experts>
- <sup>5</sup> International Narcotics Control Board (10 December 2020), 'Message on Human Rights Day 2020, Press Release, UNIS/NAR/1427, <https://www.incb.org/incb/en/news/press-releases/2020/message-on-human-rights-day-2020---incb-president-mr--cornelis-p--de-joncheere.html>
- <sup>6</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>7</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>8</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>9</sup> 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>
- <sup>10</sup> 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>; 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>11</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>; 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](https://www.unaids.org/en/resources/documents/2019/JC2954_UNAIDS_drugs_report_2019)
- <sup>12</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>13</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 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*

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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](https://www.unaids.org/en/resources/documents/2019/JC2954_UNAIDS_drugs_report_2019)

<sup>14</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>15</sup> United Nations Office of the High Commissioner for Human Rights (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>16</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>17</sup> 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>.

<sup>18</sup> United Nations Chief Executives Board (2018), *UN system Common Position on drug related matters*, UN Doc. CEB/2012/2, <https://undocs.org/en/CEB/2018/2>

<sup>19</sup> UN system Coordination Task Team on the Implementation of the UN system Common Position on drug-related matters (2019), *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*, [https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN\\_Entities/What\\_we\\_have\\_learned\\_over\\_the\\_last\\_ten\\_years\\_-\\_14\\_March\\_2019\\_-\\_w\\_signature.pdf](https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/What_we_have_learned_over_the_last_ten_years_-_14_March_2019_-_w_signature.pdf)