



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

3 December 2020,

Dear Ms. Waly,

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

On 10 December 2020, we urge you to mark International Human Rights Day by calling on Member States to change drug policies and practices that violate human rights, and entrench exclusion and discrimination.

We are writing to you concerning the forthcoming International Human Rights Day, which will take place on 10 December 2020 amidst the devastating global COVID-19 pandemic that has compounded the exclusion and discrimination faced by people and communities affected by drug policies worldwide. As your first International Human Rights Day as Executive Director of UNODC, this occasion is an important opportunity to issue a strong statement that underlines UNODC's commitment to rights-based drug policies, and calls for change in the laws and practices that threaten health and human rights.

For decades, punitive drug policies have driven widespread human rights violations, as has been amply documented by the UN.¹ 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. Furthermore, draconian drug policies have disproportionately affected people who live in situations of exclusion on the basis gender, race, ethnicity, and economic status, amongst others.

In the past years, an increasing number of UN bodies have called on Member States to align their drug policies with human rights standards. The 2018 Chief Executives Board's UN System Common Position on drug-related matters 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'.² In 2019, a number of UN agencies, including UNDP, OHCHR and WHO, published the 'International Guidelines on Human Rights and Drug Policy',³ which provide the first comprehensive international human rights standards on drug-related matters. IDPC called on UNODC to follow this trend in our Advocacy Note 'Recommendations for the new UNODC Executive Director',⁴ which is attached to IDPC's correspondence to you dated 24 February 2020.

The 2020 International Human Rights Day, which will be held under the title 'Recover better: Stand Up for Human Rights', includes a thematic focus on the need 'to apply human rights standards to tackle entrenched, systematic, and intergenerational inequalities, exclusion and discrimination'.⁵ As such, it presents a key opportunity for UNODC to highlight its commitment to the promotion of drug policies that respect, protect, and fulfil human rights, in line with the UN System Common Position.

In that regard, 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. To be credible, such a statement should explicitly name the major human rights violations committed in the name of drug control, 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 Committee⁶, and the Human Rights Council.⁷
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 Council⁸ and UN human rights experts.⁹
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.¹⁰
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.¹¹ This is also central to UNODC’s core, funded 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 UNODC¹² and the UN High Commissioner for Human Rights in the wake of the COVID-19 pandemic,¹³ 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,¹⁴ torture, or ill-treatment – whether in state custody or public or private drug services. While under detention, people with a drug dependence or other problems associated with their drug use must be offered evidence-based treatment, harm reduction and other drug services on a strictly voluntary basis.¹⁵
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.¹⁶
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.¹⁷
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 Position. A strong statement for your first International Human Rights Day as Executive Director would be an important and welcome step that signals UNODC’s unequivocal commitment to human rights.

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. AFEW International, Eastern Europe and Central-Asia
2. AIDES, France
3. AIDS and Rights Alliance for Southern Africa-ARASA, Uganda
4. Akzept, Germany
5. Alliance Nationale des Communautés pour la Sante (ANCS), Senegal
6. Amnesty International, Global
7. ARAS - Romanian Association Against AIDS, Romania
8. Asia Catalyst, United States and Thailand
9. Asociación Costarricense para el Estudio e intervención en Drogas (ACEID), Costa Rica
10. Association de lutte contre le sida, Morocco
11. Association des intervenants en dépends du Québec, Canada
12. Association for Safer Drug Policies, Norway
13. Association Nationale de Soutien aux Séropositifs et Malades du Sida, Burundi
14. BC Yukon Association of Drug War Survivors, Canada
15. Beckley Foundation, United Kingdom
16. Blood Ties Four Directions Centre, Canada
17. British Columbia Civil Liberties Association, Canada
18. Canadian Drug Policy Coalition, Canada
19. Canadian Students for Sensible Drug Policy, Canada
20. CASO-Portugal, Portugal
21. Center for humane policy, Bulgaria
22. Central Asian HIV Foundation, Kyrgyzstan
23. Centre on Drug Policy Evaluation, Canada
24. Centro de Convivencia E de Lei, Brazil
25. Coalition des Organismes Communautaires Quebecois de Lutte contre le Sida (COCQ-SIDA), Canada
26. Coalition Internationale Sida, Senegal
27. Coalition of Peers Dismantling the Drug War, Canada
28. Coalition PLUS, Senegal
29. Coalition PLUS / CEEISCAT, Spain
30. Coalition Plus International, France
31. Conectas Direitos Humanos, Brazil
32. Correlation-European Harm Reduction Network, Netherlands
33. Cultura Joven A.C., Mexico
34. drustvo AREAL, Slovenia
35. Drug policy Network Ghana, Ghana
36. Drug Policy Network South East Europe, Serbia
37. East Kootenay Network of People Who Use Drugs (EKNPUD), Canada
38. EATG, Germany
39. Eurasian Harm Reduction Association (EHRA), EECA
40. Eurasian Network of People who use drugs, EECA
41. Eurasian Women's Network on AIDS, Georgia
42. European Network of People Who Use Drugs, Europe
43. Evelyn Sharon Mashamba, Zimbabwe
44. Fedito Bxl, Belgium
45. Frontline AIDS, United Kingdom
46. Fundación Huesped, Argentina
47. Fundación Latinoamerica Reforma, Chile
48. GIV (Group for Life Incentive), Brazil
49. Groupe sida Geneve, Switzerland
50. Groupement Romand d'Etudes des Addictions, Switzerland
51. Grupo de Ativistas em Tratamentos, Portugal
52. Hacia una vida digna para todas las personas, VerdeSer Colectivo A.C., Mexico
53. Harm Reduction Action Center, United States
54. Harm Reduction Australia, Australia
55. Harm Reduction International, United Kingdom / Global
56. Health Poverty Action, United Kingdom
57. HIV & AIDS Legal Clinic Ontario, Canada
58. HIV Justice Network, Netherlands
59. HIV Legal Network, Canada
60. Inclusive and Affirming Ministries, South Africa
61. Institute for Drug Control and Human Security, Sierra Leone

62. Instituto para el Desarrollo Humano - Bolivia, Bolivia
63. Instituto RIA AC, Mexico
64. Instituto Terra, Trabalho e Cidadania - ITTC, Brazil
65. Intercambios Asociacion Civil, Argentina
66. International Center for Ethnobotanical Education, Research and Service (ICEERS), Spain
67. International Community of Women Living with HIV, Global
68. Japan Advocacy Network for Drug Policy, Japan
69. John Mordaunt Trust, England, UK
70. Kimirina, Ecuador
71. La Societa Della Ragione, Italy
72. Law Enforcement Action Partnership, United Kingdom
73. Law Enforcement Action Partnership, United States
74. Lawyers Collective, India
75. Mainline Foundation, Netherlands
76. M-Coalition, Lebanon
77. MENANPUD, MENA
78. Metzineres. Environments of Shelter for Women who Use Drugs Surviving Violences (ICEERS), Spain
79. Moms Stop The Harm, Canada
80. NC Survivors Union, United States
81. Nigeria Network of People Who Use Drugs, Nigeria
82. Nova+, Serbia
83. Paroles Autour de la Sante, Ivory Coast, Mali, Guadeloupe
84. Peer Network of Users of Psychoactive Substances (PeerNUPS), Greece
85. Penal Reform International, UK
86. Penington Institute, Australia
87. Polish Drug Policy Network, Poland
88. Prevention Information et Lutte contre le Sida (PILS), Mauritius
89. RESET - Política de Drogas y Derechos Humanos, Argentina
90. Responsabilité Espoir Vie Solidarité (REVS PLUS), Burkina Faso
91. Safe Injections Facility Massachusetts Now (SIFMA NOW!), United States
92. Sankalp Rehabilitation Trust, India
93. Savoir Plus Risquer Moins (FRPA), France
94. Scarlet Alliance, Australian Sex Workers Association, Australia
95. Science for Democracy, Belgium
96. Society for Women and Aids in Africa (SWAA), Senegal
97. Stop Overdose Now Foundation, The Netherlands
98. Students for Sensible Drug Policy, International
99. TB/HIV Care, South Africa
100. TNI – Drugs and Democracy Programme, The Netherlands
101. Transform Drug Policy Foundation, United Kingdom
102. UNIDOS Rede Nacional Sobre Droga & HIV, Mozambique
103. Washington Office on Latin America, USA
104. West Africa Drug Policy Network, Ghana
105. World Coalition against the Death Penalty, France
106. Youth RISE, International
107. Youth RISE Nigeria, Nigeria
108. Zimbabwe Civil Liberties and Drug Network, Zimbabwe

Endnotes

¹ For an overview, see: 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>

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

³ International Centre on Human Rights and Drug Policy, UNAIDS, World Health Organization, United Nations Development Programme (2019), *International Guidelines on Human Rights and Drug Policy*, <https://www.undp.org/content/undp/en/home/librarypage/hiv-aids/international-guidelines-on-human-rights-and-drug-policy.html>

⁴ International Drug Policy Consortium (February 2020), *Recommendations for the new UNODC Executive Director: Opportunities and challenges in global drug policy*, <https://idpc.net/publications/2020/02/recommendations-for-the-new-unodc-executive-director-opportunities-and-challenges-in-global-drug-policy>

⁵ United Nations (2020), *Human Rights Day 10 December*, <https://www.un.org/en/observances/human-rights-day>

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- ⁶ 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
- ⁷ 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>
- ⁸ 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>
- ⁹ 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>
- ¹⁰ 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
- ¹¹ 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
- ¹² 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
- ¹³ 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>
- ¹⁴ The UN 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
- ¹⁵ 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>
- 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>; 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 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>