

UN Commission on Narcotic Drugs

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“Implementation of the international drug control treaties”

Plenary: Oral statement by the Canadian HIV/AIDS Legal Network

March 18, 2019

Thank you, Mr. Chair, for the opportunity to contribute to this discussion regarding the implementation of the international drug control treaties.

For more than 20 years, Member States have recognized, in multiple unanimous resolutions of the General Assembly and of this Commission, that “countering the world drug problem” must be carried out “with full respect for ... all human rights and fundamental freedoms.” This was reaffirmed most recently in the [Ministerial Declaration](#) adopted by this Commission last week.

However, too often the reality has diverged—and still diverges—from this important commitment.

We therefore wish to draw the attention of Member States to the *International Guidelines on Human Rights and Drug Policy*, the result of a three-year consultative process to address this gap. The Guidelines were released here during last week’s Ministerial Segment with the support of Member States, UN entities and leading human rights experts.

The Guidelines outline the measures States should take, or refrain from taking, in order to comply with their human rights obligations. The Guidelines do not invent new rights. They apply existing human rights law to the legal and policy context of drug control in order to maximise human rights protections, including in the interpretation and implementation of the drug control conventions.

The Guidelines first present foundational, cross-cutting human rights principles, such as equality and non-discrimination, the accountability of states and the right to an effective remedy for violations of human rights.

They then set out specific, universal human rights standards and apply them to the specific context of drug policy. These include, but are not limited to, such matters as:

- the right to health, and what it requires in the areas of prevention of problematic drug use, harm reduction, drug dependence treatment, access to controlled substances for medical purposes, and measures affecting the environment with health implications;

- the right to life, which continues to be violated in some settings by the continued application of the death penalty and widespread extrajudicial executions;
- freedom from torture and other cruel, inhuman or degrading treatment, which, for example, continues to be widespread in compulsory drug detention centres where people are subjected to horrific abuses, sometimes in the name of supposed “treatment” for drug dependence; and
- the rights to privacy, to freedom of expression and information, to a fair trial, and to enjoy cultural life, among others.

The Guidelines also address States’ obligations in relation to the human rights of particular groups such as children, women, prisoners and other persons deprived of their liberty, and Indigenous peoples—for which groups there are specific human rights instruments of relevance to drug policy. The Guidelines also recognize that many other groups experience disproportionate harm, inequities and intersecting forms of discrimination which must be taken into account in drug policies, including on the grounds of race, ethnicity, nationality, migration status, disability, gender identity, sexual orientation, poverty, and the nature and location of livelihood, including employment as rural workers or sex workers.

The Guidelines respect States’ prerogative to determine their national drug policies. But States have also repeatedly and unanimously declared their commitment to ensuring full respect for human rights in law, policy and practice related to drugs. We urge Member States to make use of this new resource in order to fulfil this commitment.