



Human Rights Council**Fifty-second session**

27 February–4 April 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Albania,* Argentina, Australia,* Austria,* Belgium, Brazil,* Colombia,* Costa Rica,
Cyprus,* Ecuador,* Germany, Greece,* Guatemala,* Iceland,* Israel,* Italy,*
Latvia,* Luxembourg, Malta,* Mexico, Netherlands (Kingdom of the),* Paraguay,
Portugal,* Romania, Sierra Leone,* Slovakia,* Slovenia,* Spain,* Switzerland,*
Türkiye,* Ukraine, United Kingdom of Great Britain and Northern Ireland and
Uruguay*:** draft resolution

**52/... Contribution of the Human Rights Council with regard to the
human rights implications of drug policy**

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Underscoring that the three main international drug control conventions, of 1961, 1971 and 1988, and other relevant international instruments constitute the cornerstone of the international drug control system,

Reaffirming the targets and goals of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, reaffirming also the Joint Ministerial Statement of the 2014 high-level review by the Commission on Narcotic Drugs of the implementation by Member States of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem and the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem, reaffirming further the outcome document of the thirtieth special session of the General Assembly, held in 2016, entitled “Our joint commitment to effectively addressing and countering the world drug problem”, in its entirety, and reiterating that the operational recommendations contained therein are integrated, indivisible, multidisciplinary and mutually reinforcing and are aimed at a comprehensive, integrated and balanced approach to addressing and countering the world drug problem,

* State not a member of the Human Rights Council.



Reaffirming also its commitment to the goals and objectives of the three international drug control conventions, which concern the health and welfare of humankind, recognizing that human rights are an indispensable part of the international legal framework for the design and implementation of drug policies, and reiterating the need to enhance national efforts and international cooperation at all levels to promote measures that ensure the availability, affordability and accessibility of internationally controlled narcotic drugs and psychotropic substances for medical and scientific purposes, including for the relief of pain and suffering, within the framework of national legislation,

Reaffirming further the principal role of the Commission on Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug control and other drug-related matters,

Welcoming the contributions of other relevant United Nations entities, in particular those of the United Nations Office on Drugs and Crime as the leading entity in the United Nations system for addressing and countering the world drug problem, and reaffirming the treaty-mandated roles of the International Narcotics Control Board and the World Health Organization,

Recognizing the continued efforts to enhance coherence within the United Nations system at all levels, and reaffirming the need to continue and strengthen cooperation between the United Nations Office on Drugs and Crime and other United Nations entities, within their respective mandates, in their efforts to support States in the implementation of international drug control treaties and their political commitments in accordance with applicable human rights obligations and to promote protection of and respect for human rights, fundamental freedoms and the dignity of all individuals in the context of drug programmes, strategies and policies,

Recalling that efforts to achieve the Sustainable Development Goals and to effectively address all aspects of the world drug problem are complementary and mutually reinforcing, and recalling also that public health programmes should be available to all,

Recalling also General Assembly resolutions on addressing and countering the world drug problem and other relevant General Assembly resolutions,

Recognizing that the world drug problem remains a common and shared responsibility that should be addressed in a multilateral setting through effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing, balanced, scientific evidence-based and comprehensive approach, and recalling the commitment of the General Assembly to promoting the health, welfare and well-being of all individuals, families, communities and society as a whole, and facilitating healthy lifestyles through effective, comprehensive, scientific evidence-based demand reduction initiatives at all levels, covering, in accordance with national legislation and the three international drug control conventions, prevention, early intervention, treatment, care, recovery, rehabilitation and social reintegration measures, as well as initiatives and measures aimed at minimizing the adverse public health and social consequences of drug abuse,

Recalling its resolution 28/28 of 27 March 2015 on the contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016, and taking note of its resolution 37/42 of 23 March 2018 on its contribution to the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,

Noting the contributions of international human rights bodies and mechanisms, including human rights treaty bodies, the Human Rights Council and its mechanisms, such as the universal periodic review and the special procedures, in promoting the implementation of States' human rights obligations and commitments with regard to international commitments to effectively addressing and countering all aspects of the world drug problem,

Taking note of evidence-based guidance on the protection and promotion of human rights within the context of drug policy, such as the international guidelines on human rights and drug policy, and the exchange of best practices among States, United Nations bodies, intergovernmental organizations and civil society in this regard,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and recalling that article 2 (1) and (2) of the International Covenant on Economic Social and Cultural Rights includes provisions on progressively realizing the rights recognized in the Covenant, while noting that they need to be implemented without discrimination, including for individuals with drug use disorders, as well as in prisons and other custodial settings,

Recalling the operational recommendation contained in the outcome document of the thirtieth special session of the General Assembly to ensure, inter alia, non-discriminatory access to health, care and social services in prevention, primary care and treatment programmes, including those offered to persons in prison or pretrial detention,

Recognizing the need for States, in cooperation with international organizations, civil society, Indigenous Peoples and the private sector, to create favourable conditions at the local, national, regional and international levels to progressively realize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, to take steps to ensure access to health-related information, evidence-based prevention, harm reduction and treatment and to address the underlying social and economic determinants of health, in the context of the world drug problem,

Guided by the outcome document of the thirtieth special session of the General Assembly with regard to preventing social marginalization, promoting non-stigmatizing attitudes and encouraging the voluntary participation of individuals with drug use disorders in treatment programmes, with informed consent, and where consistent with national legislation, as well as developing and implementing outreach programmes and campaigns, involving drug users in long-term recovery, where appropriate, to prevent social marginalization and promote non-stigmatizing attitudes, as well as to encourage drug users to seek treatment and care and take measures to facilitate access to treatment and expand capacity,

Stressing that law enforcement officials, in the performance of their duties, should respect and protect human dignity and maintain and uphold the human rights of all persons, including the right to life, the right to security of person, the prohibition of torture and cruel, inhuman and degrading treatment or punishment, the right to the enjoyment of the highest attainable standard of physical and mental health and the prohibition of arbitrary arrest and detention,

Underlining that the unlawful discriminatory application of criminal law violates international human rights law and must be tackled at every stage, including by reforming drug-related policies, laws and practices with discriminatory outcomes, as appropriate, in line with international human rights standards, and encouraging States to take measures to prohibit discriminatory practices in the arrest and detention of members of vulnerable and marginalized groups in their drug-control efforts,

Affirming that access to internationally controlled substances for medical and scientific purposes, including for palliative care and emergency medical care, contributes to the right to the enjoyment of the highest attainable standard of physical and mental health for all, in particular older persons,

Calling for the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance in the elaboration, adoption and implementation of international and national drug policies,

Recognizing the particular importance for States to take measures to prevent the transmission of HIV/AIDS, viral hepatitis and other blood-borne diseases and to ensure access to prevention, diagnosis, treatment, care and support services, including in the context of drug use, as well as in prisons and other custodial settings, and recalling the Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030 and the Global AIDS Strategy 2021–2026,

Recalling the obligations of States parties under article 33 of the Convention on the Rights of the Child, namely that States parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant

international treaties, and to prevent the use of children in the illicit production of and trafficking in such substances, and in this regard recognizing the need to increase the availability, coverage and quality of scientific evidence-based prevention measures and tools that target relevant age and risk groups at multiple settings, reaching youth at school as well as out of school, among others, through drug use prevention programmes and public awareness-raising campaigns, develop and implement prevention and early intervention programmes for use in the education system at all levels and enhance the capacity of teachers and other relevant professionals to provide counselling, prevention and care services,

1. *Reaffirms* the commitment made by the General Assembly to respecting, protecting and promoting all human rights, fundamental freedoms and the inherent dignity of all individuals and the rule of law in the development and implementation of drug policies, to taking the steps necessary to implement the operational recommendations contained in the outcome document of the thirtieth special session of the General Assembly, entitled “Our joint commitment to effectively addressing and countering the world drug problem”, in close partnership with the United Nations and other intergovernmental organizations and civil society, and to sharing with the Commission on Narcotic Drugs timely information on progress made in the implementation of those recommendations, and also reaffirms the Ministerial Declaration on Strengthening Our Actions at the National, Regional and International Levels to Accelerate the Implementation of Our Joint Commitments to Address and Counter the World Drug Problem;

2. *Takes note* of the report of the Office of the United Nations High Commissioner for Human Rights on the implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights,¹ and calls upon States to take into account the conclusions and recommendations contained therein;

3. *Also takes note of* the study of the Working Group on Arbitrary Detention relating to drug policies;²

4. *Calls upon* all States Members of the United Nations to consider alternatives to incarceration, conviction and punishment, where appropriate and in accordance with the three international drug control conventions, noting that, in appropriate cases of a minor nature, States may provide, as alternatives to conviction and punishment, measures such as education, rehabilitation and social integration, as well as, when the offender has a drug use disorder, treatment and aftercare, as well as support for recovery;

5. *Calls upon* States to mainstream a gender perspective into and ensure the involvement of women in all stages of the development, implementation, monitoring and evaluation of drug policies and programmes and to develop and disseminate gender-sensitive and age-appropriate measures that take into account the specific needs and circumstances faced by women and girls with regard to all aspects of the world drug problem, bearing in mind that targeted interventions that are based on the collection and analysis of data, including data disaggregated by age, gender and disability, can be particularly effective in meeting the specific needs of drug-affected populations and communities;

6. *Also calls upon* States to adapt their drug policies to address the specific needs of women, including pregnant and postpartum women, children, young persons, older persons and members of groups in a situation of vulnerability such as minorities, Indigenous Peoples, persons with disabilities and members of other affected communities;

7. *Reaffirms* that Indigenous Peoples have the right to their traditional medicines and to maintain their health practices, consistent with article 24 of the United Nations Declaration on the Rights of Indigenous Peoples, and the right to participate in decision-making in matters which would affect their rights, and that Indigenous Peoples also have the right to access, without discrimination, all social and health services and an equal right to the enjoyment of the highest attainable standard of physical and mental health;

¹ A/HRC/39/39.

² A/HRC/47/40.

8. *Emphasizes* the essential contribution that civil society and affected communities make to the development, implementation, monitoring and evaluation of drug policies, including through advocacy and awareness-raising and the sharing of expertise and knowledge, and encourages States, United Nations agencies, funds and programmes, international, regional and non-governmental organizations, national human rights institutions and other relevant stakeholders in that regard to involve and engage meaningfully with a diverse representation of civil society and affected communities in their efforts to address all aspects of the world drug problem;

9. *Urges* States to adopt a systemic approach to preventing and eliminating racial discrimination at all stages of the development, implementation, monitoring and evaluation of drug policies and programmes;

10. *Requests* the Office of the High Commissioner to prepare a report, in collaboration with the United Nations Office on Drugs and Crime and in consultation with States, other United Nations agencies, civil society and other relevant stakeholders, on human rights challenges in addressing and countering all aspects of the world drug problem, and to present it to the Human Rights Council at its fifty-fourth session, also in an accessible format, and also requests the Office of the High Commissioner to share the report with the Commission on Narcotic Drugs, the policymaking body of the United Nations with prime responsibility for drug control and other drug-related matters, through the appropriate channels;

11. *Decides* to convene an intersessional panel discussion before its fifty-fifth session, in an accessible format, on human rights challenges in addressing and countering all aspects of the world drug problem, informed by the findings contained in the report prepared by the Office of the High Commissioner, to have a constructive and inclusive dialogue on this issue with relevant stakeholders, including the United Nations Office on Drugs and Crime and specialized United Nations agencies and civil society and affected populations, and with the participation of the Commission on Narcotic Drugs, and requests the Office of the High Commissioner to prepare a report, in consultation with the United Nations Office on Drugs and Crime, on the panel discussion in the form of a summary;

12. *Encourages* the Office of the High Commissioner and relevant international human rights mechanisms to continue, within their respective mandates and through the appropriate channels with the Commission on Narcotic Drugs, their contribution to addressing the human rights implications of drug policies.
