

UNGASS Ten Year Drug Strategy Review: Ten Reasons Why Human Rights is an Issue for the CND

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized
Universal Declaration of Human Rights

- 1. The Charter of the United Nations requires it:** The protection and promotion of human rights is one of the core aims of the United Nations under the terms of the Charter. Human rights are therefore central to the CND's mandate as a UN entity and a Functional Commission of ECOSOC.
- 2. The General Assembly has requested it:** The General Assembly has clearly stated that countering the world drug problem must be carried out in full conformity with human rights law.
- 3. It is necessary for the process of UN reform:** Human rights stand as one of the three interdependent 'pillars' of the United Nations, alongside security and development. The ongoing process of UN reform requires all UN entities to mainstream human rights into their work.
- 4. Human rights law is part of the legal framework for drug policy:** The drug conventions do not supersede human rights treaties. Human rights obligations apply at all times as a check and balance against abusive practices, and stand alongside the drug conventions in the legal framework for drug policy.
- 5. The drug conventions raise numerous human rights concerns:** The drug conventions require the creation of criminal offences, drug dependence treatment, extradition and confiscation of property, yet contain no human rights safeguards in relation to these requirements. They must not be applied in a vacuum.
- 6. CND member states have human rights obligations:** Every member state of the CND and every UN member state has ratified at least one of the core human rights treaties. All are bound by customary human rights law and the terms of the Charter of the UN. These obligations are not optional, nor are they relinquished at the door of the CND.
- 7. The CND, as an entity, has human rights responsibilities.** Alongside those of member states, the CND, as an international institution, also has human rights responsibilities in international law. These include a duty to respect and protect peremptory norms of human rights, such as freedom from discrimination, arbitrary detention and torture, all of which have been connected to drug control.
- 8. The UNODC has human rights obligations:** As a department of the Secretariat of the UN Organization, the UNODC also has human rights responsibilities. As its governing body, the CND must ensure that the UNODC is equipped to live up to them.
- 9. The promotion and protection of human rights is good public policy:** According to the INCB, lack of respect for human rights can undermine the implementation of the drug conventions. Research shows that abusive drug control practices are ineffective in controlling illegal drug consumption, drug-related crime, and in protecting public health and public order.
- 10. Turning a blind eye amounts to complicity.** For over sixty years, the Commission on Narcotic Drugs has failed to address the human rights abuses carried out worldwide in the name of drug policy, and it has failed to provide leadership on the promotion of human rights through responsible drug policy. This level of negligence in the face of widespread and sometimes systemic abuse must not continue. Turning a blind eye is no more than tacit approval.

The world is watching. To date, international drug policies have raised questions relating to HIV, the death penalty, indigenous rights, torture, extrajudicial killings, discrimination, conflict, the environment and poverty. And yet the Commission on Narcotic Drugs has provided no answers, allowing lowest common denominator consensus positions to stand in the way of genuine progress and responsible debate.

The Commission on Narcotic Drugs must live up to its human rights obligations.

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