

# 52<sup>nd</sup> SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY OPPORTUNITIES

02/2023

The 52<sup>nd</sup> Session of the Human Rights Council, to be held between 27 February and 4 April 2023, presents valuable opportunities for reflecting on the impacts of drug control policies on human rights worldwide, and on States' obligations to promote and protect rights; while discussing pathways for reform.

Below are some key moments where drug policy will or can be addressed, and suggestions for mainstreaming drug policy in the session.

## **BIENNIAL HIGH-LEVEL PANEL DISCUSSION ON THE QUESTION OF DEATH PENALTY**

### **Item 1, 28 Feb, 9 am GVA**

Pursuant to resolutions [26/2](#) and [48/9](#), [this panel](#) will discuss human rights violations related to the use of the death penalty, with a focus on limiting capital punishment to the 'most serious crimes'. The composition of the panel presents a unique opportunity to address the disproportionate and inhumane use of the death penalty while exchanging best practices and reflecting on new pathways towards abolition.

The use of the death penalty for drug offences should be a central theme, as both human rights and drug control bodies have reiterated that drug crimes do not fall within the 'most serious crimes' category. Nevertheless, they remain among them main crimes for which people are sentenced to death and executed in retentionist countries (as highlighted by [HRI's annual Global Overviews](#) on the issue). The discussion is thus an important opportunity to (a) reiterate strong opposition to capital punishment, both generally and as a tool of drug control; (b) highlight the ineffectiveness of the death penalty to combat drug use and crime, and its disproportionate impact on marginalised groups, and (c) recommend retentionist countries to halt executions and abolish the death penalty for drugs, as a step towards total abolition.

## **ID WITH THE SPECIAL RAPPORTEUR ON ISLAMIC REPUBLIC OF IRAN**

### **Item 4, 20 March, 1 pm GVA**

The Special Rapporteur, Javaid Rehman, will present his report on the human rights situation in Iran (soon to be published [at this page](#)). In the past few months, the country has garnered widespread condemnation for the violent repression of mass protests erupted since the murder of Mahsa Amini, and the steep increase in the number of executions, including of activists. Iran remains among the top executioners for drug offences globally, and the Abdorrahman Boroumand Centre for Human Rights in Iran has confirmed a record 252 drug-related executions in 2022 – more than double those known to have been carried out in 2021.

Member States and civil society can use this space to condemn this worrying development and urge Iran to halt executions for drug offences and impose a moratorium; while further reviewing the domestic Anti-Narcotics Law to bring it further in line with the country's international obligations.

# DEBATE IN COMMEMORATION OF THE INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

## Item 7, 29 March, 4 pm GVA

Pursuant to the General Assembly resolution [77/205](#), this debate will discuss topics on the urgency of combating racism and racial discrimination 75 years after the adoption of the Universal Declaration of Human Rights. As of the writing of this briefing, the concept note has yet to be published. More information available soon at [this page](#).

Member States and civil society can use this space to highlight the racial discrimination carried out in the name of drug control, and the disproportionate impact of racist drug policy. The debate can also be used to reiterate, among other things, the importance of data on the interlinkages between drug law enforcement and racial discrimination as this information is often invisibilised due to lack of updated, disaggregated, and publicly available data on health and drug law enforcement (policing, arrests, prosecution, sentencing and incarceration).

## UNIVERSAL PERIODIC REVIEWS

### Item 6, 24 March at 10 am GVA

During the session, the outcomes will be adopted of reviews carried out at the 47<sup>th</sup> UPR session in November 2021. For the countries under review, it will be an opportunity to reaffirm their commitment to the promotion and protection of human rights. Particularly relevant to drug policy-related issues will be the adoption of the outcomes of the reviews of [Bahrain](#), [Morocco](#), [Indonesia](#), [India](#) and The [Philippines](#).

## DRAFT RESOLUTION ON HUMAN RIGHTS AND DRUG POLICIES

This draft resolution aims at promoting a human rights approach to drug policies, and at ensuring the human rights impacts of drug control are properly addressed at the mid-term review of the 2019 'Ministerial Declaration' adopted by the UN Commission on Narcotic Drugs, which will take place in 2024.

If adopted, this will be only the third resolution adopted by the Council specifically on drug policies, after a first one in 2015 ([A/HRC/RES/28/28](#)) and a second one in 2018 ([A/HRC/RES/37/42](#)). It will thus be highly significant in reiterating states' commitments to human rights-based drug policies, and the critical role of the Human Rights Council (and of OHCHR) in assessing, monitoring, and shaping drug control standards. Interested stakeholders can engage in informal negotiation meetings (announced in due course), promote the inclusion of strong language on priority issues (such as harm reduction, criminalisation, the death penalty, the impact of drug policies on racial and ethnic minorities), encourage Member States to vote in favour of the resolution, and express their support for this initiative including through oral statements during General Debates.

## SIDE EVENTS

Sid events are useful spaces for raising or discussing with different stakeholders issues related to human rights and drug control. Among many that are being planned, three appear particularly relevant. More information available soon at [this page](#).

- **Side event on the role of defence lawyers in death penalty cases (28 Feb, 1 pm GVA)**

Co-organised by the Permanent Missions of Belgium, OSCE ODIHR and the International Bar Association's Human Rights Institute, and co-sponsored by OHCHR and the Permanent Missions of Benin, Costa Rica, France, Mexico, Moldova, Mongolia, and Switzerland to the UN in Geneva.

Panelists will discuss the unique challenges faced by capital defence lawyers, opportunities for national and international stakeholders to provide support, and inputs for the next resolution on the question of the death penalty.

This side event will take place in Room XXIV at Palais des Nations and online [here](#).

- **High-level panel on human rights-based drug policy (1 March, 1 pm GVA)**

High-level side event co-organised by the Global Commission on Drug Policy and the Office of the High Commissioner for Human Rights and co-sponsored by Albania, Brazil, Colombia, Greece, Guatemala, Mexico, Paraguay, Portugal, Switzerland, and Uruguay.

The panel will highlight human rights obligations in promoting national legal frameworks and practices aligned with human rights; and identify shared opportunities to improve the international drug policy framework. The panellists include representative from UN agencies, as well as civil society and community member.

This side event will be conducted in a hybrid format and more details about registration will be published [here](#).

- **Side event on International Women's Day Presentation: Jurists' Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sexuality, Reproduction, Drug Use, HIV, Homelessness and Poverty (8 March, 3 pm GVA)**

Co-organised by OHCHR, International Commission of Jurists (ICJ), UNAIDS and WHO.

This side event will be conducted in a hybrid format and more details about registration will be published [here](#).

- **Side event on the death penalty in Iran (20 March, time TBC)**

Co-organised by the NGOs Iran Human Rights and Ensemble Contre la Peine de Mort (ECPM). More details about the event will be published [here](#).