



**HARM REDUCTION  
INTERNATIONAL**



**CAPITAL  
PUNISHMENT  
JUSTICE  
PROJECT**



## Joint Submission to OHCHR's report on human rights challenges in addressing and countering all aspects of the world drug problem

19 May 2023

### Submitting organisations:

**Harm Reduction International (HRI)** is an international, not-for-profit NGO working towards the promotion of harm reduction and drug policy reform that uphold dignity, health and rights. <https://www.hri.global>

**European Saudi Organization for Human Rights (ESOHR)** is a non profit organization establishment, establishment by a group of activists aiming to strengthen the commitment of human rights principles in Saudi Arabia. <https://www.esohr.org/ar/>

**Lembaga Bantuan Hukum Masyarakat (LBHM)** is a legal aid organisation based in Indonesia. LBHM believes in equality, non-discrimination, and acknowledgement of inherent human dignity. <https://lbhmasyarakat.org/en/>

**Abdollahian Boroumand Center for Human Rights in Iran (ABC)** is a non-governmental non-profit organization dedicated to the promotion of human rights and democracy in Iran. <https://www.iranrights.org>

**Anti Death Penalty Asian Network (ADPAN)** is a regional network of organisations and individuals committed to working towards abolition of the death penalty in the Asia Pacific. <https://adpan.org>

**Capital Punishment Justice Project (CPJP)** provides direct assistance to people and families who face the death penalty; and develop legal and policy solutions that help save lives. <https://www.cpjp.org.au>

**Justice Project Pakistan (JPP)** is a non-profit organization based in Lahore that represents the most vulnerable Pakistani prisoners facing the harshest punishments, at home and abroad. <https://jpp.org.pk>

**Iran Human Rights (IHRNGO)** is a non-profit, human rights organization with members inside and outside Iran. <https://iranhr.net/en/>

**Transformative Justice Collective (TJC)** is a collective founded on the principles of transformative justice, and committed to seeking the reform of Singapore's criminal punishment system, starting with the abolition of the death penalty. <https://transformativejusticecollective.org>

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## Introduction

The co-signatories of this submission welcome the opportunity to provide information on human rights challenges in addressing and countering all aspects of the world drug problem by the Office of the High Commissioner for Human Rights (OHCHR). This submission will focus on advocacy towards the abolition of the use of the death penalty for drug offences, and other violations of the right to life.

We would like to re-affirm our position towards the total abolition of the death penalty. We stand firmly on our belief that human rights and drug control are not inherently incompatible systems. On the contrary, they can mutually reinforce each other, towards healthier, safer, and more inclusive societies. The implementation of punitive and ineffective drug policies, however, hampers the realisation of this goal.

### 1. Advocacy towards the abolition of the use of the death penalty for drug offences

In the past ten years, at least 4,000 people were executed for drug offences around the world, in contravention to both human rights and drug control standards. In 2022 alone, [Harm Reduction International](#) recorded at least 285 executions – this is an over 100% increase from [2021](#), and a staggering 850% increase from [2020](#). In line with this trend, more people were sentenced to death for drugs in 2022 compared to preceding years. Overall, in the last decade at least 4,000 people have been executed for drugs offences and close to 4,000 people now sit on death row for drugs globally. Executions for drug offences now account for 1 in 3 of *all* executions carried out globally.<sup>1</sup>

Three trends that keeps repeating over the last few years of the use of the death penalty for drug offences are: a) the disproportionate impact on vulnerable and marginalised groups; b) the lack of transparency; and c) the failure of international society and actors to respond to the issue.

#### A) The disproportionate impact on vulnerable and marginalised groups

It is particularly concerning that many of those convicted of drug offences often comes from ethnic minorities, immigrants, persons with disabilities, and/or with poor socioeconomic backgrounds.<sup>2</sup> In Iran, for example, Baluchi ethnicity - a minority group that have long faced entrenched discrimination and repression - are overrepresented on the number of people executed for drug offences in 2022.<sup>3</sup> When subjected to criminal system, these groups are more likely to be denied the right to a fair trial.

<sup>1</sup> Giada Girelli et al., *The Death Penalty for Drug Offences: Global Overview 2022* (Harm Reduction International, 2023), page 16 – 24. Available here: [https://hri.global/wp-content/uploads/2023/03/HRI\\_DeathPenalty\\_Report2022.pdf](https://hri.global/wp-content/uploads/2023/03/HRI_DeathPenalty_Report2022.pdf)

<sup>2</sup> Joint statement on the disproportionate impact of death penalty on vulnerable groups has also been delivered at the 66<sup>th</sup> Session of the UN Commission on Narcotic Drugs, March 2023. Available here: <https://hri.global/publications/66th-commission-on-narcotic-drugs-hri-oral-statement-2023/>

<sup>3</sup> Data from Abdorreahman Boroumand Center for Human Rights in Iran shows that Baluchi ethnicity accounts for 40,7% of the total number of people executed for drug offences in Iran (see Girelli et al, p. 30), while [Iran Human Rights](#) reports the figure to be at 47,3%.



Among other vulnerable groups are women and foreign nationals. In countries that retains the death penalty for drugs offences, a large majority of the women on death row were convicted of drug-related offenses, many women of which, were there due to a mixed of socioeconomic situation where, “along with poverty, coercion, violence, manipulation, and the survival needs of a family play a significant factor in their involvement.”<sup>4</sup>

Similarly, foreign nationals, including but not limited to migrant workers, people who are trafficked, asylum seekers, especially from Asia and Africa, are disproportionately affected by the death penalty. Foreign nationals are made more vulnerable by precarious socio-economic status, lack of fluency in the language of the host country, and lack of understanding of the laws or criminal process. They often have no power, resources, nor access to support networks, and are subject to suspicion, over-policing, criminalisation and discrimination in the criminal process,<sup>5</sup> as they are often denied their right to communicate with the outside world, access to a lawyer, and the right to translation.

B) The lack of transparency

**Transparency** remains a key issue as many retentionist countries are opaque about sentencing and executions. Only a fraction of retentionist countries make publicly available official figures on the death penalty, and these are often not disaggregated by crime, or by gender and/or nationality. This is in itself a violation of international standards, which obstacles any evidence-based assessment of the phenomenon – including in its application as a tool of drug control.<sup>6</sup> To add to that, location of death row inmates, details on the case, gender-disaggregated and gender-specific data frequently does not exist – despite them all being important elements for advocacy. The lack of transparency affects the defendant’s right to defend and due process. Families are often informed in a short notice before the execution, or are left uninformed until the execution happened.

The lack of transparency also undoubtedly hinder the monitoring on the use of the death penalty for drug offences. When coupled with the failure to respond and sanction the use of the death penalty for drug offences – as will be discussed below, it practically hinders the advocacy towards the abolition of it.

<sup>4</sup> “No One Believed Me”: A Global Overview of Women Facing the Death Penalty for Drug Offences (The Cornell Center on the Death Penalty Worldwide, 2021), page 5. Available here:

[https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/?version=html#\\_Toc80027241](https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/?version=html#_Toc80027241)

<sup>5</sup> Carolyn Hoyle and Giada Girelli, *The Death Penalty for Drug Offences: Foreign Nationals* (Harm Reduction International and Centre for Criminology, University of Oxford, 2019). Available here: [https://hri.global/wp-content/uploads/2022/10/HRI\\_Oxford\\_BriefingPaper\\_March2019\\_ForeignNationals\\_2\\_DecemberEdit\\_web.pdf](https://hri.global/wp-content/uploads/2022/10/HRI_Oxford_BriefingPaper_March2019_ForeignNationals_2_DecemberEdit_web.pdf)

<sup>6</sup> Joint oral statement delivered by HRI at the Biennial High-Level Panel Discussion on the question of the death penalty, at the 52<sup>nd</sup> Session of the UN Human Rights Council. Available here:

<https://hri.global/publications/52nd-human-rights-council-statement-on-the-death-penalty/>



- C) The failure of international society and actors to respond to the issue  
Despite the increased use of the death penalty for drug offences, the disproportionate impact it has on vulnerable groups, and its lack of transparency, international community and actors continue to fail to take meaningful actions against such blatant violation of international standards.

One of the notable regressions in 2022 was Saudi Arabia’s resumption of execution for drug offences in the end of the year – marking an abrupt end of the moratorium previously announced by Prince Mohammad Bin Salman in early 2020.<sup>7</sup> Yet, the international community failed to visibly denounced the barbaric practice.

The silence of fellow States as well as leading UN agencies in the face of such grave regress risks being misconstrued as tolerance – if not complicity – and jeopardises the fragile progress towards full abolition of the death penalty. Most of public condemnation appears largely symbolic and without sanction. Consistency in action towards retentionist countries is non-existent. On the contrary, States continue to support retentionist countries on efforts so called ‘narcotic controls’; which could lead to a person being sentenced to death for drug offences.

## 2. Forward looking to a world without death penalty

The above facts and figures must be a wake-up call for States, and to intergovernmental agencies – that death penalty abolition must become a priority, including in the context of the implementation of the drug control conventions.

It is critical for drug control to be acknowledged as a strategic issue to be addressed to restrict application of the death penalty in line with international standards; as the **world will never achieve death penalty abolition without significant drug law reform.**

**But it is imperative to not stop there. The death penalty is the tip of the iceberg when it comes to rights abuses, especially in the framework of the right to life,<sup>8</sup> in the name of drug control.** Over the last decade, thousands, if not hundreds of thousands, of people lost their lives due to extrajudicial killings of suspected people who use drugs and/or involved in a drug trade – like what happened in Bangladesh<sup>9</sup> and the Philippines<sup>10</sup>. While torture and ill-treatment are so widespread in detention and/or prison settings, compulsory drug treatment, and healthcare settings - which could generate the risk of deprivation of life.<sup>11</sup>

<sup>7</sup> see Girelli et al, p. 32.

<sup>8</sup> General Comment No. 36 on the right to life interpreted the right to life as “a right that should not be interpreted narrowly. It concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity. Article 6 of the Covenant guarantees this right for all human beings, without distinction of any kind, including for persons suspected or convicted of even the most serious crimes.”. Available here:

<https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life#:~:text=The%20right%20to%20life%20is,the%20life%20of%20the%20nation.>

<sup>9</sup> See, for example <https://www.amnesty.org/en/latest/press-release/2019/11/bangladesh-killed-in-crossfire/>

<sup>10</sup> See, for example: [https://hri.global/wp-content/uploads/2022/10/Report\\_to\\_the\\_Human\\_Rights\\_Committee\\_on\\_Philippines\\_Lol-1.pdf](https://hri.global/wp-content/uploads/2022/10/Report_to_the_Human_Rights_Committee_on_Philippines_Lol-1.pdf)

<sup>11</sup> See, among others, [https://hri.global/wp-content/uploads/2022/10/HRI\\_Conectas\\_-\\_Accountability\\_for\\_torture\\_submission-1.pdf](https://hri.global/wp-content/uploads/2022/10/HRI_Conectas_-_Accountability_for_torture_submission-1.pdf); <https://www.hrw.org/report/2010/01/25/skin-cable/illegal->



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**A call for the abolition of the death penalty must be made together with a call for States accountability on all human rights abuses in the name of drug control.** Countries that have abolished the death penalty in practice but continue to kill, persecute and torture people in the name of drug control must be deemed in violation of international drug control as well as international human rights standards.

Drug-related death sentences and executions; and other violations of rights in the name of drug control must be met by political, diplomatic, and economic action; with full cooperation with national and international drug control bodies. Concerted effort to advocate towards abolition, in all fora possible, be it international, multilateral, or bilateral is key. Furthermore, States must take concrete action to refrain from funding initiatives aim at narcotic controls in countries that retain the death penalty for drugs.

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[arrest-arbitrary-detention-and-torture-people-who-use-drugs; https://hri.global/publications/a-broken-system/#:~:text=Domestic%20legislation%20criminalises%20import%2C%20export,as%20two%20grams%20of%20heroin.](https://hri.global/publications/a-broken-system/#:~:text=Domestic%20legislation%20criminalises%20import%2C%20export,as%20two%20grams%20of%20heroin.)