

53rd SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY OPPORTUNITIES

June 2023

The 53rd Session of the Human Rights Council, to be held between 19 June and 14 July 2023, presents opportunities for reflecting on the impacts of drug control policies on human rights worldwide, and on States' obligations to promote and protect people's 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.

ID ON THE ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Item 2, 19 June, 10 am GVA

The Human Rights Council will consider the annual report of the High Commissioner of Human Rights ([soon to be published here](#)) in the context of an interactive dialogue. It is expected that the High Commissioner will express his concern for State's punitive approaches to drug policy, including the exponential upsurge of the use of the death penalty for drug offences.

This is valuable opportunity for States to reaffirm their commitment with the promotion and protection of human rights, while inspiring others to apply evidence and a human rights-based approach towards drug policy. Civil society can also use the Interactive Dialogue to call on all Member States to abide their drug policy with their human rights obligations.

PRESENTATION OF THE REPORT ON THE ISLAMIC REPUBLIC OF IRAN (Item 2, 21 June, 3pm GVA) AND ID ON ORAL UPDATE OF THE FACT FINDING MISSION (Item 4, 5 July, 10am GVA)

Pursuing resolution [A/RES/77/228](#), on the situation of human rights in the Islamic Republic of Iran, the Secretary General will present his interim report ([soon to be published here](#)) on the progress made in the implementation of the resolution. Particularly relevant will be updates regarding the use of the death penalty and any progress made towards the protection of the rights of people persecuted and incarcerated for drug offences. In a separate session, the Fact-finding Mission will present its report ([soon to be published here](#)) on the human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children.

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 the interactive dialogue 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.

ID WITH WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS

Item 3, 21 June 3pm GVA

The working group will present its report on “gendered inequalities of poverty: feminist and human rights-based approaches” ([A/HRC/53/39](#)). The report highlights the disproportionate use of criminal law against women and girls due to their economic or social status and the costs of accessing the formal justice system, recognising disadvantaged and marginalised groups -including those who use drugs and sex workers- as particularly affected by this form of discrimination.

The working group will also present its report on the country visit to the Maldives ([soon to be published here](#)) and to Kyrgyzstan ([A/HRC/53/39/Add.1](#)). In its report on Kyrgyzstan, the working group recognises that disadvantaged and marginalised women, including those who use drugs and sex workers, face multiple and intersecting forms of discrimination in the country and a wide range of human rights violations that exacerbate oppression and inequalities stemming from pervasive gender discrimination. The report also expresses concern for the lack of specialised services for women and girls living with HIV/AIDS and targeted programs based on harm reduction approaches for women who use drugs, including women engaged in sex work.

Member States and civil society can use this space to highlight the interlinkages between gender inequality, poverty and drug control. The debate can also be used to reaffirm the importance of implementing tailored and integrated harm reduction services for all women and girls, particularly for those from vulnerable and marginalised groups, as a way to address poverty and discrimination.

ID WITH THE SPECIAL RAPPOREUR ON THE RIGHT TO HEALTH

Item 3, 22 June, 1pm GVA

The Special Rapporteur on the right to the highest attainable standard of health, Tlaleng Mofokeng, will present her report ([A/HCR/65](#)) on digital innovation, technologies and the right to health, including on the availability, accessibility, acceptability and quality of facilities, goods and services. The report highlights that health facilities, goods and services must be within safe physical reach for all, including vulnerable and marginalised groups such as ethnic minorities and indigenous populations, women and persons with HIV/AIDS. While the Special Rapporteur regards digital technologies as an opportunity to provide young people anonymous access to HIV and sexual and reproductive health information, she also expresses her concerns about data protection, and other human rights abuses.

Member States and civil society can use this space to highlight the relevance of meaningful participation of vulnerable and marginalised groups in all stages of decision making to effectively assess how digital innovation can improve the availability, accessibility and quality of health services, including of harm reduction services.

ID WITH THE SPECIAL RAPPOREUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS

Item 3, 26 June, 10 am GVA

In her report ([A/HCR/53/31](#)), the Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, will present her vision for the mandate for the coming years to the Council.

Expressing her concern about the widespread and increasing efforts to target lawyers for their work -particularly those that are active in the defence of human rights- Ms Satterthwaite will pay close attention to, among other things, criminal and civil proceedings instituted against lawyers to punish and silence their legitimate legal work as well as reprisals against lawyers and other justice system actors due to their engagement with international or regional human rights mechanisms.

This interactive dialogue presents a valuable opportunity for States members to express their commitment to respect and protect access to justice and to remove all barriers that may affect judicial independence and integrity in all drug-related cases, as well as condemning any practice that may impede lawyers, and the provision of access to justice in general, to defend the rights of people charged with drug offences, particularly those that face the death penalty. Civil Society can also use this debate to inform the Special Rapporteur about human rights violations that are under the scope of his mandate.

ID WITH THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

Item 3, 26 June, 3pm GVA

Pursuant resolution 44/5, the Council will consider two reports of the Special Rapporteur, Morris Tidball-Binz, in an interactive dialogue. The report [A/HRC/53/29](#) on deaths in prisons, analyses the States' responsibility and good practices regarding prevention and investigation of death in custodial settings. The Special Rapporteur draws attention to the measures States can implement to prevent deaths, including stopping unlawful use of death penalty and reducing the imprisonment rate by decriminalising low-level drug offences and possession, avoiding mandatory sentencing, implementing alternatives to detention and facilitating early release programmes and probation. Analysing the right to health as crucial element to prevent death in prisons, the report recognises that harm reduction, including needle and syringe programmes, as a best practice to prevent drug-related deaths in custody. While the report on death in prisons, focuses on deaths in custody of persons in the criminal justice context, from the moment of their arrest, including pre-trial and post-conviction, its conclusions and recommendations also apply to custodial deaths in other contexts. The Special Rapporteur will also present his report on the country visit to Argentina ([soon to be published here](#)).

During the debate, State Members and Civil Society can highlight the challenges related to the lack of desegregated data on that matter, and the provision of harm reduction service as a key component of access to health for people deprived of liberty and an effective mechanism to prevent drug-related deaths in closed settings.

UNIVERSAL PERIODIC REVIEWS

Item 6, 24 10 July, 10 am GVA

During the session, the outcomes will be adopted of reviews carried out at the 42nd UPR session in January and February 2023. 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 [Pakistan](#), and [Sri Lanka](#).