

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

July 2023

On 14 July 2023, the Human Rights Council concluded its [53rd session](#) (19/06/2023 to 14/07/2023). This briefing highlights key debates, decisions and documents in which drug control and its impact on human rights were analysed and addressed.

PRESENTATION OF THE REPORT ON THE ISLAMIC REPUBLIC OF IRAN

[Nada Al-Nashif](#), the Deputy High Commissioner for Human Rights, presented the Secretary General's report on human rights in the Islamic Republic of Iran, covering the period between 1st August 2023 and 15th April 2023. She concluded that the overall human rights situation in the concerned country has markedly deteriorated, highlighting that although Iran has engaged with the OHCHR and UN mechanisms on human rights matters, including on the application of the death penalty, implementation of the State obligations remains limited.

Additionally, the report documents an alarming 75% increase in death penalty sentences in 2022 compared to 2021, during which 333 people were reportedly executed. Out of the total number of executions, 256 were for drug offences, marking the highest rate of drug-related executions in the country since 2017, with the number of those executed from minority communities remaining disproportionately high.

ID WITH WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS

The Chair of the Working Group, [Dorothy Estrada-Tanck](#), presented 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.

ID WITH THE SPECIAL RAPPORTEUR ON THE RIGHT TO HEALTH

The Special Rapporteur on the right to health, Dr [Tlaleng Mofokeng](#), presented the report on digital innovation, technologies and the right to health ([A/HCR/65](#)), including the availability, accessibility, acceptability and quality of facilities, goods and health services. The report analyses how technological developments and innovations have redefined the right to health, particularly during the COVID-19 pandemic, allowing some states to improve the availability, accessibility, and quality of health services.

Responding to this presentation, [Conectas Dereitos Humanos](#), a Brazil-based organisation, highlighted the need to use new technologies to help people who use alcohol and other drugs with a human rights-based approach. The organisation raised concerns about the use of new technologies by Brazilian government to assert social control subverting public health issues into public security frameworks and narratives.

After addressing the challenges that new technologies pose to the right to health, the Special Rapporteur concluded that a new Pandemic Treaty, without a human rights approach, will not yield equitable outcomes. She also agreed that surveillance of vulnerable groups is not in line with a human rights approach to health which may impact the access to harm reduction for people who use drugs due to threats of criminalisation.

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

The Special Rapporteur on the independence of judges and lawyers, [Margaret Satterthwaite](#), presented her report on Reimagining justice: confronting contemporary challenges to the independence of judges and lawyers ([A/HCR/53/31](#)) and expressed her concerns about the widespread and increasing efforts to target lawyers for their work -particularly those that are active in the defence of human rights- who usually face threats, arrest, prosecution, imprisonment and even death, often as a result of carrying out their duties. Along with the violation of human rights of individual lawyers, the Special Rapporteur recognised that this practice also *“also undermines the rights of other individuals to a fair trial, and to the broad range of human rights meant to be protected by the rule of law and a functioning judicial system”*. Among the lawyers affected by these practices, she called attention to the cases of lawyers representing people facing the death penalty in Saudi Arabia and Singapore. Among a few cases, she highlighted the case of Mr Ravi, a Singaporean lawyer who has been suspended for five years for his critical remarks on a case in which the defendant faced the penalty.

Civil Society had a relevant role during this interactive dialogue. [OSF](#) highlighted how autocratic regimes use punitive laws to assert social control and target lawyers representing people who use drugs and drug offenders facing death penalty. [International Bar Association](#) and [Lawyers for Lawyers](#) called attention to the Philippines where between 2016 and 2023 69 layers have been killed and hundreds are harassed and threaten for representing cases investigated under terrorism or drug-related charges.

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

The Special Rapporteur on extrajudicial, summary or arbitrary executions, [Morris Tidball-Binz](#), presented his report on death in prisons ([A/HRC/53/29](#)), which analyses the States' responsibility and good practices regarding preventing and investigating death in custodial settings. On his report, he sustained that due to the alarming deterioration of human rights globally, including the use of the death penalty, this mandate becomes even more relevant and urgent today than when it was created 41

years ago. Mr Tidball-Binz also concluded that death in custody is “*prevailing at a pandemic-like level*”, leaving hundreds of thousands of deaths globally not being adequately investigated or silenced. With regard to preventive measures, special attention was given to the need to implement a system for gathering disaggregated data that account for all deaths and that consider structural failures that may lead to the death of people deprived of liberty, such as lack of access to health care. The Special Rapporteur made an urgent appeal to implement the report’s recommendations, which include harm reduction in prisons, recalling on States’ duty to protect the right to life of people deprived of liberty.

During the interactive dialogue, many states welcomed the report and expressed their commitment to implement the recommendations to protect the right to life of people deprived of liberty, including implementing alternatives to incarceration. Civil Society also welcomes the reports and recommendations. While Penal Reform International’s statement focused on deaths in closed settings in general, [Harm Reduction International’s](#) statement highlighted the problems suffered by people who use drugs and harm reduction as an effective mechanism to prevent deaths in prisons.

UNIVERSAL PERIODIC REVIEWS

No significant drug policy outcomes were adopted during the 47th UPR session. While [Pakistan](#) noted all recommendations related to implementing a moratorium or abolishing the death penalty, including for drug related offences, [Sri Lanka](#) did not approve any of the recommendations given in that regard.