

54th SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY OPPORTUNITIES

September 2023

The 54th Session of the Human Rights Council, to be held between 11 September and 13 October 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 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 WITH THE WORKING GROUP ON ARBITRARY DETENTION

Item 3, 18 September, 10am GVA

During the interactive dialogue, the Working Group on Arbitrary Detention will present the reports on its visit to Botswana ([A/HRC/54/51/Add.1](#)) and Mongolia ([A/HRC/54/51/Add.2](#)), which call on States to abide by international law and protect the rights of people who use drugs. While the Working Group calls on Mongolia to decriminalise possession of drugs for personal use, it expresses its concern about the situation of people who use drugs in Botswana, particularly people suffering from substance dependence, whose situation is addressed under the Mental Disorders Act, receiving treatment in Psychiatric Hospitals. The Working Group called on Botswana to use deprivation of liberty in all settings as a last resort, highlighting the need to promote harm reduction services and substance dependence treatments based on free and voluntary consent with specialised facilities.

Member States and civil society can use this space to highlight the relevance of a human rights approach to drug policy, highlighting the urgent need to invest in harm reduction instead of punitive responses to drug use.

ID WITH THE WORKING GROUP ON ENFORCED DISAPPEARANCES

Item 3, 19 September 10 am GVA

Pursuing Resolution 45/3, the Human Rights Council will consider the reports of the Working Group on Enforced Disappearance ([A/HRC/54/22](#), [A/HRC/54/22/Add.1](#), [A/HRC/54/22/Add.2](#) and [A/HRC/54/22/Add.5](#)). One particularly relevant for drug policy advocacy the report on its visit to Honduras ([A/HRC/54/22/Add.2](#)), where the Working Group expresses its concerns about cases of enforced disappearance in connections with arrests and operations carried out by law enforcement agencies, specifically targeting persons living in marginalized neighbourhoods, minors and young adults, in the name of drug control.

Member States can use this space to express their commitment to human rights obligations regarding drug policy while calling on the concerned country to abide by international law. The interactive dialogue is also a valuable opportunity for civil society to denounce before the international community the human rights violations that are happening in the country under the name of drug control.

GENERAL DEBATE ON THE REPORT OF THE OHCHR ON HUMAN RIGHTS CHALLENGES IN ADDRESSING AND COUNTERING THE WORLD DRUG PROBLEM

Item 3, 20 September, 10 am GVA

Pursuing Resolution 52/24, the Human Rights Council will consider the OHCHR's [report](#) on human rights challenges in addressing and countering all aspects of the world drug problem". The report draws on several relevant issues, including militarisation, overincarceration, the death penalty for drug offences, drug policy and humanitarian settings and harm reduction.

This interactive dialogue presents a valuable opportunity for all State members to renew their commitments towards a human rights approach to drug policy. At the same time, civil society will have the space to highlight how punitive responses to drug use negatively impact every aspect of human rights, particularly for those most vulnerable and marginalised populations.

GENERAL DEBATE ON QUESTIONS ON DEATH PENALTY

Item 3, 20 September, 10 am GVA

Pursuing Decisions 18/117 and 48/9, the Human Rights Council will consider the Secretary General's yearly supplement to his quinquennial report on capital punishment and the implementation of safeguards guaranteeing the protection of the rights of those facing the death penalty (soon to be published [here](#)). The 2023 supplement will focus on the relationship between articles 6 and 14 of the International Covenant on Civil and Political Rights, focusing on the right to seek pardon or commutation of the sentence and the right to have one's conviction and sentence reviewed by a higher tribunal according to law, in accordance with the safeguards guaranteeing the protection of the rights of those facing the death penalty.

This General Debate presents a valuable opportunity for States members to express their commitment to respect and protect access to justice and due process and to remove all barriers that may affect the judicial review of death penalty sentences by a higher tribunal according to international law. Civil Society can also use this debate to inform international community about human rights violations that are under the scope of this report, and further advocate for its abolition.

UNIVERSAL PERIODIC REVIEWS

Item 6, 29 September - 4 October, 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 the United Arab Emirates (soon to be published [here](#)).

SIDE EVENTS

Side events are useful spaces for raising or discussing human rights and drug control issues with different stakeholders. Among many that are being planned, three appear particularly relevant. More information will be available soon on the [following link](#).

HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF THE FIGHT AGAINST DRUGS

18 September, 5 pm GVA

This side event, organised by Comisión Mexicana de Defensa y Promoción de los Derechos Humanos and Asociación Civil, will address the issues of victims and civil society in the context of violations of human rights committed by states in the name of the war on drugs, drawing on experiences from the Philippines, Brazil and Mexico. The side event will also address the consequences of the war on drugs and militarized security policies that harm the civilian population.

This side event will take place in Room XXV at Palais des Nations; more information can be found [here](#).

PRESENTATION OF THE REPORT OF THE OFFICE OF THE HIGH COMMISSIONER OF HUMAN RIGHTS ON HUMAN RIGHTS CHALLENGES IN ADDRESSING AND COUNTERING THE WORLD DRUG PROBLEM

20 September, 1.30 pm GVA

Pursuant to the OHCHR report on “Human rights challenges in addressing and countering all aspects of the world drug problem” to the 54th session of the Human Rights Council (A/HRC/54/53), the OHCHR is organising a side event to discuss the findings of the said report and to explore possible ways forward to implement its recommendations. Speakers include Diego Garcia-Sayan (Commissioner of the Global Commission on Drug Policy), and UN bodies and civil society representatives.

EXPERIENCE OF THE GLOBAL SOUTH CIVIL SOCIETY AT THE UNITED NATIONS DRUG POLICY DEBATES

21 September, 3 pm GVA

This side event is organised by Centro de Estudios Legales y Sociales (CELS) and co-sponsored by Anti Death Penalty Asia Network (ADPAN), Dejusticia, Disentir, Elementa DDHH, ILEX Acción Jurídica, LBHM, POS Foundation and Street Law Philippines. The event will shed light on the global debates on drug policies and human rights impacts in the Global South and how the discussions at the international level can be used to promote changes at the regional and national levels. Speakers will include representatives from civil society organisations from Latin America, Asia and Africa.

LATIN AMERICA EXPERIENCE WITH DRUG POLICIES AND REFORM PROCESSES

21 September, time tbc

Considering the impact of drug policies in Latin America in the last decades, this side event, organised by the Colombian government, will present an overview of emerging debates on drug policies across the region, and paths forward by which human rights can be fully respected. Speakers will include Colombian government and civil society representatives, namely Centro de Derechos Reproductivo, Elementa and Dejusticia.