

55th SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY HIGHLIGHTS

April 2024

Between 26th February and 4th April 2024, the Human Rights held its [55th session](#). This briefing highlights key debates, decisions and documents in which drug control and its impact on human rights were analysed and addressed.

PRESENTATION OF ANNUAL REPORT ON COLOMBIA

During the [presentation](#) of the High Commissioner's annual report on the situation of human rights in Colombia, Guatemala and Honduras, the High Commissioner, Volker Türk, welcomed the adoption of Colombia's key policies as part of its post-conflict peacebuilding process, which includes a new drug policy which integrates the International Guidelines on Human Rights and Drug Policy ([A/HRC/55/23](#)).

The oral update reflected the report's main findings regarding the impacts of drug policies and the human rights situation in the country, including the peasant's concerns about the insufficient implementation of the National Program for the Substitution of Illicit Crops and its impact on the livelihoods of rural families.

The debate featured relevant remarks from Colombia, which informed about its new approach to drug policy that prioritises health, development, and environmental care. It also acknowledged the failure of punitive approaches to tackle the world drug problem and achieve peace, calling on the international community to adopt a new approach that places human rights and populations most affected by drugs at the centre of the policy making.

Colombia reiterated the same message during the adoption of the outcome of the country's Universal Periodic Review. The delegation highlighted the "vital" importance of the new domestic drug policy for peacebuilding and to counter act criminality; stressing that "it will have a human rights-based approach and will seek to protect and ensure the rights of persons and communities who have seen their rights violated as a result of the war against drugs and at the same time the aim of this policy is to hold the true criminals accountable". The delegation also reiterated "Colombia's call to recast the global drug policy which has not achieved its goals over the past 50 years."

ORAL UPDATE BY OHCHR ON THE SITUATION OF HUMAN RIGHTS IN SRI LANKA

Despite the Sri Lankan government's Operation 'Yukthiya', an ongoing anti-drug operation which has led to over 40,000 arbitrary arrests and detention in overcrowded

prisons and compulsory drug treatment centres, drug control was not addressed by the High Commissioner during his [oral update](#) on Sri Lanka.

During the General Debate, [HRI](#) expressed concern for the widespread human rights violations reported in the context of the operation, called on the government to adopt a health- and rights-centred drug policy, and urged the UN to ensure in-country programming does not risk contributing to such violations. Similarly, the International Commission of Jurists noted how the operation “has engendered widespread human rights violations.”

ID WITH THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, Alice Jill Edwards, [presented](#) her two reports. In the first report regarding current issues and good practices in prison management globally ([A/HRC/55/52](#)), she addressed the link between poverty and prisons – with prison populations being largely composed of members of economically disadvantaged and marginalised communities, including people convicted for “low-level” drug or related offences. Additionally, the Special Rapporteur addressed the high risk of spread of contagious diseases in closed settings and called on all Stakeholders to include prisons in national pandemic planning as well as in the Pandemic Treaty currently negotiated at WHO.

In her second report, which highlighted findings from her visit to Ukraine ([A/HRC/55/52/Add.1](#)), the Special Rapporteur raised concerns about the systematic use of torture and ill-treatment or punishment as an element of Russia’s war policy in occupied territories of Ukraine and Russia itself. While she acknowledged the efforts made by Ukrainian authorities to treat prisoners of war respectfully, Ms. Jill expressed her concerns about the conditions in which Ukrainian nationals are held, and allegations of physical and verbal violence against people deprived of liberty calling for their immediate investigation.

During the Interactive Dialogue, Harm Reduction International, together with the European Prison Litigation Network (EPLN), PromoLEX, and Unmode, delivered a [joint statement](#) calling on the Council and all relevant stakeholders to take all necessary measures to protect the right to life and health of people deprived of liberty, including in times of emergencies, war, and humanitarian crisis.

ID WITH THE SPECIAL RAPPOREUR ON IRAN

On his report ([A/HRC/55/62](#)), The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, expressed concerns at the recent spike in death sentences and executions. As he noted in his report, 2023 saw a 43% increase in executions compared to 2022, with over 56% of the executions carried out in 2023 being for drug-related charges. This is in line with HRI's findings reported in [The Death Penalty for Drug Offences: Global Overview 2023](#). The Rapporteur also paused on the disproportionate imposition of capital punishment against ethnic and religious minorities, especially for drug or security-related crimes. He also recalled on some positive steps, particularly the 2017 amendment of the drug trafficking law which until 2020 had led to a significant decline in drug-related executions. Accordingly, in his report the Rapporteur recommended that pending total abolition Iran imposes an immediate moratorium on drug-related executions and abolishes the death penalty for offences that do not amount to "the most serious crimes" threshold.

During the Interactive Dialogue, Member States, expressed concerns on the rise of executions. This includes [Albania](#), the [EU](#), [France](#), [Israel](#), [Luxembourg](#), [Montenegro](#), [Moldova](#), [Romania](#), [Ukraine](#), and [Belgium](#) which specifically mentioned the drug-related executions. Some Member States ([Argentina](#), [Australia](#), and Germany, Lithuania) further called on Iran to impose a moratorium and work towards death penalty abolition.

Following a contested negotiation, the Council voted to adopt Resolution [A/HRC/55/19](#), which renewed the mandate of the Special Rapporteur, as well as the mandate of the Independent International Fact-Finding Mission on Iran (FFMI). In explaining their vote, Costa Rica and Argentina mentioned concerns over the rising number of executions.

OTHER RELEVANT DEVELOPMENTS

- On 5th February, the Human Rights Council held an '[Intersessional panel discussion on human rights challenges in addressing and countering all aspects of the world drug problem](#)' ahead of its 55th Session and the [67th CND session](#) held between 14 and 22 March. The dialogue was informed by the findings contained in the recent OHCHR report on the matter ([A/HRC/54/53](#)) and counted with the participation of Member States such as Belgium, Brazil, Canada, Colombia, Guatemala, Mexico, Portugal, Switzerland and Uruguay. In his [opening remarks](#), the High Commissioner emphasised that human rights must be central to all drug policies, encouraging the Council to continue ramping up its engagement on these topics and to infuse a human rights

dimension in all fora where these issues are addressed. He also highlighted the main findings of the report, including the impact of drug policy on the use of the death penalty, overincarceration, and compulsory treatment, while reaffirming the need for evidence-based and gender-sensitive approaches to harm reduction and broader efforts to end racial and gender discrimination in policing and criminal justice system.

After the panellists' presentations, [HRI](#) welcomed the OHCHR's report, highlighting the negative impacts of drug policy on the increasing use of the death penalty, and the need for States to divest from punitive responses and invest in rights in rights-based policies that put people first, including harm reduction. HRI also called on all relevant stakeholders to continue questioning violent, costly, and ineffective policies and to continue mainstreaming drug policy issues within the wider UN human rights system.

- Singapore made a statement on drug policy during a General Debate at the Human Rights Council. Since the Debate was not scheduled to touch on that topic, it is assumed that Singapore's statement is a reaction to the parallel meeting held by the UN Commission on Narcotic Drugs in Vienna, which, among other things, resulted in the adoption of a key resolution ([E/CN.7/2024/L.5/Rev.2](#)) that recognizes harm reduction for the first time as an important part of an effective public health responses to drug use. Despite evidence that support harm reduction and human rights approaches to drug use, [Singapore](#) expressed "deep alarm" at recent developments on "the world drug problem", stating that "efforts to decriminalize recreational drugs in some countries disregard their harmful consequences for the health of individuals and the welfare of societies. Attempts to focus solely on the human rights of drug abusers oversimplify the world drug problem ignoring criminal justice dimensions and the immense damage that drug abuse has on economies, societies, and the environment." Singapore also stressed its opinion that decriminalisation of drugs for recreational purposes" is "dangerous and irresponsible", and "unbalanced framing deliberately timed ahead of the CND midterm review", which "deepens polarization on a complex issue and undermines the search for comprehensive solutions.