

56th SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY OPPORTUNITIES

June 2024

The upcoming [56th Session of the Human Rights Council](#), to be held between 18 June and 12 July 2024, presents critical 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.

PRESENTATION OF THE REPORT ON THE SITUATION OF THE ISLAMIC REPUBLIC OF IRAN. Item 2, 20 June at 12 pm GVA.

The Human Rights Council will consider The Secretary-General's interim report on the human rights situation in the Islamic Republic of Iran ([soon to be published here](#)), which will provide updates on progress made in the implementation of the UNGA resolution 78/220 which made recommendations on the protections and fulfillment of human rights in the country. Particularly relevant will be the awaited updates regarding the use of the death penalty – with executions skyrocketing in 2023 particularly for drug offences– and measures taken towards the protection of the rights of people persecuted and incarcerated for drug offences.

Member States and civil society can use this space to condemn the alarming increase in executions for drug offences and urge Iran to halt all executions and impose a moratorium as steps towards abolition, while further reviewing the domestic Anti-Narcotics Law to bring it in line with the country's international obligations.

ID WITH THE SPECIAL RAPPORTEUR ON THE RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

Item 3, 24 June at 10 am GVA

The Special Rapporteur, Dr Tlaleng Mofokeng, will present her report on Drug use, Harm Reduction and the Right to Health ([A/HRC/56/52](#)), which explores how punitive drug policies and laws at the international and domestic level negatively impact the enjoyment of the right to health, including the availability, accessibility, acceptability and quality of essential medicines, sexual and reproductive care and other health services for people who use drugs and their communities. The impacts of drug policy are compounded by intersecting forms of discrimination, disproportionately impacting historically marginalised groups such as the homeless, those living in poverty, sex workers, women, children, LGBTIQ+ persons, Black,

Brown and other racialised individuals, Indigenous Peoples, migrants, people deprived of liberty, and people living with HIV, tuberculosis, hepatitis, among others. The report also analyses how the right to health is interconnected with other rights, including the right to life, privacy, freedom of expression and information, work, education and housing.

The report recognises harm reduction interventions as a key element of the right to health and an effective tool to address the negative impacts of punitive laws and policies. Additionally, it assesses the shortcomings in harm reduction care and identifies good practices, providing strong recommendations to Member States to adopt drug policy reforms that guarantee the right to health for all.

During the interactive dialogue, the Human Rights Council will also consider the Special Rapporteur's reports on her visits to **Luxemburg** and **Costa Rica**. While she noted the implementation of harm reduction services in Luxemburg, the Special Rapporteur expresses concern for the lack of adequate health services for people who use drugs in Costa Rica as well as discrimination and criminalisation, further recommending the adoption of harm reduction approaches and decriminalisation of drug use, coupled with appropriate policy and evidence-based protocols in the provision of accessible, acceptable, affordable and quality health.

Member States and civil society organisations can use this interactive dialogue to share good practices on harm reduction approaches, to call for its expansion at country level – including through adequate funding, and with meaningful community involvement. This space also presents the opportunity for the international community to renew their commitment towards evidence and human rights-based drug policies that are non-discriminatory, non-stigmatising and that guarantee the realisation of the right to health and to call on the Council to ensure continued scrutiny of the human rights impacts of drug control.

ID WITH THE SPECIAL RAPporteur ON EXTRAJUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS

Item 3, 25 June at 10 am

Pursuant to resolution 53/4, the Human Rights Council will consider the report of the Special Rapporteur, Morris Tidball-Binz, on the protection of the dead ([A/HRC/56/56](#)). Among others, the report highlights that little attention has been paid to the treatment of bodies after executions, and the impact of abusive practices on families. Accordingly, the Rapporteur recommends the development of human rights-based guiding principles for the protection of the dead to bridge the gap between different levels of protections for dead persons under international law.

The interactive dialogue offers an opportunity to highlight the challenges faced by families of people executed by retentionist countries, including refusal to return the bodies of people executed for drug offences, and consider pathways and good practices towards the protection of their rights.

ID WITH SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Item 9, 8 July at 10 am GVA

During the interactive dialogue, the Special Rapporteur, Ashwini K.P, will present his report on the visit to the United States of America ([A/HRC/56/69](#)), which analyses different forms of manifestation of racism, racial discrimination, xenophobia, and related intolerance as well as measures in place to address these issues.

Although the report does not directly address the relationship between drug policy and racism, it is a good opportunity for civil society and Member States to highlight the need to explore the root causes of racial discrimination and its connection with drug policy and the impacts on Black, Brown and other racialised groups in the United States. Evidence and human rights-based drug policy reforms can also be mentioned as a way to implement recommendations made by the Special Rapporteur to address racial discrimination in the criminal justice system, including overincarceration, over policing and violence by law enforcement against Black, Brown and other racialised groups. Divesting from punitive drug policies and redirecting resources to social justice could also enable the implementation of key recommendations that guarantee the protection and the fulfilment of economic, social, and cultural rights including the right to health, housing, and education.

RESOLUTION ON HUMAN RIGHTS IN THE CONTEXT OF HIV AND AIDS

If adopted, this draft resolution would be the 8th on the topic of HIV/AIDS. The resolution is an important tool for Member States to acknowledge the centrality of human rights, and of tackling inequalities, abuses, stigma and intersectional forms of discrimination, to effectively confront the spread of the virus. The resolution is also an opportunity to reiterate targets set by the Global AIDS Strategy, including on structural barriers and key populations, to reaffirm the leading role of communities in policymaking and service delivery, to underscore the importance of harm reduction in the HIV response; while renewing calls to end punitive and ineffective laws and policies.

The draft of the resolution will soon be available [here](#). Informal consultations organised by Permanent Mission of Brazil, Colombia, Mozambique, Portugal and Thailand are tabled on 19 and 20 June and can be followed [here](#).

UNIVERSAL PERIODIC REVIEWS

Item 6, 4 – 8 July at 10 am GVA

During the session, the Council will adopt the final outcomes of reviews carried out at the 46th UPR session in January to February 2024. 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 [Saudi Arabia](#), [China](#), [Nigeria](#), [Mauritius](#), [Mexico](#), and [Malaysia](#).

OTHER OPPORTUNITIES

- **Appointment of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran.** In accordance with Human Rights Council procedures and requirements set out in Council decision 6/102 and President's statement OS/14/2, a new mandate holder will be proposed and appointed before the end of the 56th session. The continuation of the Special Rapporteur's work is central to the advancement of human rights approaches to drug policies and to holding the State accountable for breaches in international obligations, particularly in the context of upsurging executions for drug offences in the country.
- **Renewal of the mandate of the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement.** A draft resolution ([soon to be available here](#)) will be tabled to renew the mandate of the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement ([EMREL](#)) which was first established in 2021 with an eye to furthering "transformative change for racial justice and equality in law enforcement". The establishment of the mandate had been preceded by a seminal report by the High Commissioner and inspired by tragic events such as the murder of George Floyd in the US. Since its inception the mandate acknowledged the role of drug law enforcement in perpetuating racial discrimination and the overpolicing of marginalised communities, thus it is key that this mandate is renewed, and recommended to intensify its scrutiny of the impacts of drug policies on racialised groups.
- **Enhancement of technical cooperation and capacity-building in the field of human rights in Colombia to implement the recommendations of the Commission for the Clarification of Truth, Coexistence and Non-Repitition.** Pursuant to resolution 53/22 the Human Rights Council will consider the report A/HRC/56/71 on the enhancement of technical assistance and capacity-building to national and local authorities and other relevant actors to assist Colombia in the implementation of the recommendations made by the Commission for the Clarification of Truth, Coexistence and Non-Repitition ([soon to be published here](#)), to be followed by an interactive dialogue.
- **Other dialogues and sessions where drug policy issues may be raised.** The Human Rights Council will also consider the annual report of the high Commissioner of Human Rights ([soon to be published here](#)) where it is expected he will address the global human rights impact of drug policies and alarming increased in executions for drug-related offences. This will be followed by interactive dialogues with the Special Rapporteur on Afghanistan (A/HRC/56/25) which also present an opportunity to address the relationship between political instability and punitive drug policies in the country and their impact for human rights.

SIDE EVENTS

Responding to serious human rights violations and risks through technical assistance and capacity-building: The United Nations Joint Programme on Human Rights in the Philippines **20 June, 2 pm GVA, Room XXII**

After the deteriorating human rights situation under President Duterte's administration in the Philippines, the Human Rights Council mandated (resolution 45/33) the establishment of the United Nations Joint Programme on Human Rights in the Philippines (UNJP), which covers technical assistance and capacity-building in various areas, including Human rights-based approaches to drug control. As this programme is concluding at the end of this year, this event aims to report back to the Human Rights Council, Member States and civil society organisations on the main gains and challenges in the implementation of the UNJP and explore the role of the international community in improving human rights situations at the domestic level.

Concept notes will be available [here](#).

High Level Side Event. Celebrating the 35th Anniversary of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the Death Penalty. **24 June at 12noon GVA, Room XXVII**

Hosted by the International Commission Against Death Penalty, this event aims to celebrate the 35th anniversary of the Second Optional Protocol to the International Covenant on Civil and Political Rights while sharing good practices and pathways forward towards the abolition of the death penalty.

For more information contact info@icomdp.org

Breaking the cycle: Ending the criminalization of homelessness and extreme poverty. **25 June at 3 pm GVA, Room XXV**

The Special Rapporteur on the right to adequate housing and the Special Rapporteur on poverty and human rights will host a side event to mark the publication of their study on decriminalizing homelessness and extreme poverty. The report analyses laws and regulations that continue to penalize persons experiencing homelessness or extreme poverty for sleeping, camping, eating, sitting, lying, and hygiene-related conduct in public spaces or other forms of economic survival, such as informal trade, begging, street-based sex work, or waste collection. The study argues for the need to end the criminalization of vulnerable people for such conduct and find alternatives to improve the housing, living and working conditions of persons affected.

Concept notes will be available [here](#).

Drug Use, Harm Reduction and the Rights to Health

26 June, 8 am Room (TBC)

Following the presentation of the Special Rapporteurs on Health's reports on drug use, harm reduction and the rights to health before of the Human Rights Council, this side event presents an opportunity to explore in more detail good practices of harm reduction interventions and evidence and human rights-based drug policies in different countries and contexts, while analysing gaps and pathways to move towards reparative approaches through evidence-based, stigma-free interventions and programmes for harm reduction.

Concept notes will be available [here](#).