

57th SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY OPPORTUNITIES

September 2024

The upcoming [57th Session of the Human Rights Council](#), to be held between 09 September and 11 October 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.

ID WITH THE WORKING GROUP ON ARBITRARY DETENTION

Item 3, 17 September at 1 PM GVA

Pursuant to resolution 51/8, the Working Group on Arbitrary Detention (WGAD) will present its annual report ([A/HRC/57/44](#)), followed by an interactive dialogue. In its report, the WGAD addresses the issue of arbitrary detention and mandatory sentencing, including for drug offences, which is in breach of the key principles of reasonableness, necessity, and proportionality of detention. Further, the WGAD calls on States to decriminalise drug use and minor drug offences and to revise domestic drug policies and legislation aiming at reducing minimum and maximum penalties. Noting the continued use of the death penalty for drug offences, in many cases as a mandatory punishment, the WGAD further reaffirms that this punishment is in breach of international standards.

The WGAD will also present two country visit reports. On Mexico ([A/HRC/57/44/Add.1](#)), the Group highlights human rights violations in the name of the war on drugs, including arbitrary detention and fabrication of evidence by law enforcement. On the Bahamas ([A/HRC/57/44/Add.2](#)), the Group notes with extreme concern the lack of access to medical care for people deprived of liberty, including people who use drugs, because of the lack of harm reduction and the failure to provide treatment; and calls on the State to guarantee people deprived of liberty the same standards of health that are available in the community.

The interactive dialogue offers an opportunity for Member States and civil society to condemn punitive laws, practices, and approaches to drugs, including mandatory pretrial detention and sentencing; call for the decriminalisation of use, possession, acquisition or cultivation of drugs for personal use, including the possession of associated paraphernalia; and for alternatives to incarceration.

GENERAL DEBATE ON THE PRESENTATION OF THE UN SECRETARY-GENERAL/HIGH COMMISSIONER THEMATIC REPORTS

Item 3, 18 September at 5 PM GVA

During the session, the Human Rights Council will consider the Secretary-General's thematic reports, including the report on the question of the death penalty ([A/HRC/57/26](#)). The report reaffirms that, according to international standards, the death penalty for drug offences does not meet the threshold of “most serious crimes” for which capital punishment may be imposed. It raises concerns about the alarming increase of drug-related executions globally and its disproportionate impact on ethnic minority groups, foreign nationals, women and people from economically disadvantaged backgrounds. Of particular concern is the case of Iran, where drug-related executions accounted for 98% of total known drug executions in 2023.

In his report, the Secretary-General also condemns the expansion of death-eligible drug offences in Sri Lanka, and attempts to reinstate capital punishment for drug offences in Nigeria and the Philippines. Updates are provided on efforts towards the abolition of the death penalty and initiatives to limit its use and implement safeguards to guarantee the protection of the rights of those facing the death penalty.

In the same session, the Council will also have before it a summary report on the intersessional panel discussion on human rights challenges in addressing and countering all aspects of the world drug problem ([A/HRC/57/85](#)), held in February 2024.

The presentation will be followed by a general debate where Member States and civil society can continue to condemn the increase in executions for drug offences, call for an immediate moratorium of all executions as a step towards abolition, and reaffirm the call for rights-based drug policy reform.

UNIVERSAL PERIODIC REVIEWS

Item 6, 26 September- 1 October at 3 PM GVA

During the session, the outcomes of reviews carried out at the 46th UPR session on 29 April -10 May 2024 will be adopted. 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 issues, including the use of the death penalty for drug offences, access to harm reduction, and drug policy reform, will be the adoption of the outcomes of the reviews of [Cambodia](#), [Vietnam](#), and [Yemen](#).

OTHER OPPORTUNITIES

- **ID on OHCHR Report on Sri Lanka.** During the Interactive Dialogue, the Council will consider the OHCHR report on the situation of human rights in Sri Lanka, A/HRC/57/19 ([soon to be available here](#)). The report will touch upon, among others, the issue of State accountability and the impact of the economic crisis and corruption on human rights. The ID is an opportunity to raise the issue of accountability in the context of the militarisation of drug policy and compulsory drug detention centres; and to urge the Council to renew the dedicated HRC resolution.
- **ID with the Commission of Inquiry on Ukraine.** The Council will hear the oral update of the Commission of Inquiry on the situation of human rights in Ukraine stemming from the Russian aggression, followed by an interactive dialogue. Particularly relevant to the drug policy issue is the provision of harm reduction services for people who use drugs in the country.

- **Enhanced ID with the High Commissioner and the International Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement.** During the enhanced ID, the Council will consider the reports of the High Commissioner and the Independent Expert Mechanism ([reports will soon be available here](#)) on the participation of directly affected individuals and communities, including victims and their families. HRI and Release made a joint [submission](#) for the report focusing on human rights violations against Africans and people of African descent in the context of drug law enforcement, including intersectional discrimination.
- **Annual Panel on the Rights of Indigenous Peoples.** The Human Rights Council will hold a half-day panel discussion on laws, policies, judicial decisions and other measures that States have taken, consistent with Article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, to achieve the ends of the Declaration. This event is an opportunity for Member States to highlight the negative impacts of drug policy on the realisation of the rights of Indigenous people and call for a human rights-based approach to drug policy reform. The concept note is available [here](#).

SIDE EVENTS

The Rights of Indigenous Persons

Date TBC

Bolivia, together with Colombia, are hosting a side event on the rights of indigenous persons and free determination. The event will touch upon, among others, the issue of the use of medicinal plants. The event aims to highlight the negative impact of the current classification of natural coca leaves on the economic, social and cultural rights of indigenous peoples as consequences of the war on drugs that has disproportionately impacted indigenous communities.

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