

# 57<sup>th</sup> SESSION OF THE HUMAN RIGHTS COUNCIL: DRUG POLICY HIGHLIGHTS

October 2024

Between 9 September and 11 October, the Human Rights Council held its [57th session](#). This briefing highlights key debates, decisions and documents in which drug control and its impact on human rights were analysed and addressed.

## **ORAL UPDATE BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

The High Commissioner for Human Rights, Volter Türk, presented an [annual update](#) on the situation of human rights worldwide (A/HRC/57/2, soon to be published [here](#)). He expressed concern about the steady increase in executions by a small number of countries, including drug-related executions in Iran, which hinders positive developments towards the death penalty abolition. He emphasised the relevance of tackling this head on by providing evidence and policy arguments so that the trends can be reversed again.

## **ID WITH THE HIGH COMMISSIONER FOR HUMAN RIGHTS ON SITUATION OF HUMAN RIGHTS IN SRI LANKA**

The High Commissioner for Human Rights, Volker Türk, presented the OHCHR's report on the situation of human rights in Sri Lanka ([A/HRC/57/19](#)). He raised concerns about the human rights impacts of antinarcotic operation 'Yukthiya', which has resulted in arbitrary arrests, instances of torture and ill-treatment, and detention of people arrested in compulsory drug rehabilitation centres run by the military.

During the interactive dialogue, [Switzerland](#) condemned the said anti-drug operations carried out by armed forces in Sri Lanka, and called on the concerned country to investigate allegations and cooperate with the UN Sri Lanka Accountability Project.

## **ID WITH THE WORKING GROUP ON ARBITRARY DETENTION**

The Chair of the Working Group on Arbitrary Detention (WGAD), Matthew Gillett, presented before the Council the thematic report ([A/HRC/57/44](#)), which addresses the issue of arbitrary detention and mandatory sentencing. Particularly on drug-related offences, the Chair reiterated that sentencing should be proportionate and consider the individual circumstances of the offender, including their role in the drug trade, whether he or she is a victim of human trafficking or was subjected to coercion, along with any other mitigating factors.

Additionally, he raised the issue of the imposition of the death penalty for drug offences and called on State Members to pay attention to the Working Group's 2021 report on drug policy and arbitrary detention ([A/HRC/47/40](#)), which calls for a move away from a punitive approach towards a health centred approach to drugs.

The Chair also presented the Group's report on their country visit to Mexico ([A/HRC/57/44/Add.1](#)), which identifies punitive drug policies as contributors to the widespread issue of arbitrary detention that disproportionately affects Indigenous Peoples and migrants.

Finally, the Working Group announced two country visits in 2025: Australia (1 to 12 December) and South Korea (13 to 24 October).

During the interactive dialogue, [Luxemburg](#) voiced its concern about mandatory sentencing leading to the imposition of disproportionate penalties for drug-related offences. The [EU](#) expressed its opposition to the death penalty in all cases and circumstances and called for the abolition of the death penalty for drug offences. Similarly, [Belgium](#) called on States that have not yet abolished the death penalty to refrain from using the death penalty for crimes not involving intentional killing.

[HRI, jointly with six other organisations](#), highlighted the arbitrariness of the death penalty for drug offences and mandatory sentencing and urged Member States to reform their drug laws to fully align with human rights standards, including by abolishing the death penalty and removing mandatory sentences.

## **PRESENTATION OF THEMATIC REPORTS OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

Mr. Dimiter Chalev, Chief of the Rule of Law, Equality and Non-Discrimination Branch, presented the Secretary-General's report on the question of the death penalty ([A/HRC/57/26](#)). He highlighted the steady increase in the number of people known to have been executed worldwide, which reflects a worrying global trend where a diminishing number of retentionist countries are substantially increasing the number of executions they carry out.

He reiterated that crimes not resulting directly in intentional death, such as drug-related offences, can never serve as the basis for the implementation of the death penalty within the framework of the right to life. He noted that despite that, there has been a considerable increase in executions for drug-related offences over the past two years, with drug crimes responsible for roughly 42% of all executions confirmed globally in 2023, the highest confirmed figure since 2016.

During the general debate, Costa Rica, [Cape Verde](#), [EU](#) (on behalf of the EU countries and Albania, Bosnia and Herzegovina, Georgia, Liechtenstein, Montenegro, North Macedonia, Republic of Moldova, Serbia and Ukraine), [Switzerland](#), [South Africa](#), [Montenegro](#), and Mongolia (on behalf of core group consisting of Belgium, Benin, Costa Rica, France, Mexico, Mongolia, Moldova, and Switzerland) expressed their support to the Secretary-General's report and their opposition to the death penalty in all circumstances; with the latter also highlighting the systemic lack of transparency and calling on States that still apply capital punishment, to ensure transparency and systematically publish full, accurate, and disaggregated data regarding the use of the death penalty.

Civil society provided valuable insights on various issues regarding the use of the death penalty for drug offences. The [Advocates for Human Rights, jointly with European Saudi Organization for Human Rights](#) and other members of the World Coalition Against the Death Penalty, expressed their concern about the alarming surge in executions in Iran and Saudi Arabia, including for drug-related offences. [HRI, jointly with Centro de Estudios Legales y Sociales \(CELS\), Dianova International, Hayat and International Drug Policy Consortium \(IDPC\)](#), raised concerns about issues in the implementation of recent legal reforms in Pakistan and in Malaysia; and urged the Council and Member States to take stronger and more coordinated actions against these violations of international law and called for an immediate moratorium and reviews of domestic drug policies in line with international human rights obligations.

Mr. Chalev also presented the summary report of the intersessional panel discussion on human rights challenges in addressing and countering all aspects of the world drug problem held in February 2024 ([A/HRC/57/85](#)). The report was commended by [Colombia](#) (on behalf of Albania, Brazil, Guatemala, Greece, Mexico, Paraguay, Portugal, Uruguay and Switzerland), which highlighted the important role of the Human Rights Council in guiding the entire UN system as well as its Member States in applying a human rights and public health-oriented perspective in the design and implementation of drug policies.

[IDPC, jointly with HRI and other organisations](#), welcomed the report and called on the Human Rights Council and the High Commissioner for Human Rights to engage more systematically in drug policy debates, to continue raising awareness of the human rights implications of drug control, and to provide key recommendations to policymakers on much-needed reforms. They also urged the Council to consider mandating the OHCHR with regular reporting on this issue, or creating a new Special Procedure dedicated to drug policy.

## **ENHANCED ID WITH THE HIGH COMMISSIONER AND INTERNATIONAL INDEPENDENT EXPERT MECHANISM TO ADVANCE RACIAL JUSTICE AND EQUALITY IN LAW ENFORCEMENT**

Ms. Akua Kuenyehia, Chair of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, presented a thematic report ([A/HRC/57/71](#)), which identified three minimum steps that States need to take to ensure justice, accountability and redress racism in law enforcement, and reports on the Mechanism's country visits to Brazil ([A/HRC/57/71/Add.1](#)) and to Italy ([A/HRC/57/71/Add.2](#)). Both country visit reports touched on the issue of drug policy. In the report on country visit to Brazil, the Mechanism highlighted that the overuse of incarceration and the overrepresentation of people of African descent in the criminal justice system, especially women, is also a consequence of the so-called "war on drugs", which has served more as a system of racial control than as an effective tool to reduce drug markets. Meanwhile, on Italy, the Mechanism highlighted that the country's punitive approach to drug law enforcement raises significant human rights concerns and disproportionately affects Africans and people of African descent, as racial profiling in law enforcement is prevalent in the country. The report also highlighted the lack of harm reduction, treatment, and rehabilitation for people who use drugs in Italian prisons and recommended the country to adopt a rights-based approach to drugs and decriminalise drug possession for personal use and retail-level trade in drugs.

## UNIVERSAL PERIODIC REVIEWS

In light of the 47th UPR session, the outcomes of several countries were adopted, with some specific recommendations on drug policies:

[Vietnam](#) received several recommendations calling for the abolition of the death penalty. The country accepted some of those recommendations but did not accept those that specifically mentioned the death penalty for drug offences (42.79 made by Australia and 42.81 made by Canada). The concerned country also received and accepted two recommendations (42.205 made by Mexico and 42.206 made by Panama) on ensuring the availability of harm reduction services for people at higher risk of HIV infection, including people who use drugs.

[Cambodia](#) received and accepted one recommendation on increasing access to health and social services, including harm reduction services, for people who use drugs (139.189 made by Panama).

## OTHER RELEVANT DEVELOPMENTS

- **Adoption of the Resolution on social reintegration of persons released from detention subjected to Non-Custodial Measures** ([A/HRC/57/L.17/Rev.1](#)). The Resolution, adopted by consensus, provides specific guidance to States and all relevant stakeholders on the social reintegration of persons released from detention or subjected to non-custodial measures. Among others, the Resolution referred to the lack of adequate gender-sensitive, age-responsive and trauma-informed rehabilitation programmes in criminal justice detention or pre- and post-release reintegration programmes, including “drug treatment”. Further, the Resolution invites States to facilitate proactively the social reintegration of persons released from detention or subjected to non-custodial measures and requests the OHCHR to prepare a comprehensive study, with practical recommendations, on human rights and the social reintegration of persons released from detention and persons subjected to noncustodial measures, with a view to assessing the benefits of further developing guiding principles and to present the study to the Council at its sixtieth session.
- **Adoption of the Resolution on promotion reconciliation, accountability and human rights in Sri Lanka.** ([A/HRC/RES/57/1](#)). The resolution, adopted by consensus, extends the OHCHR’s mandate on this matter. It requests the Office to present an oral update to the Council at its fifty-eighth session and to prepare a comprehensive report on progress in reconciliation, accountability and human rights in Sri Lanka at its sixtieth session.
- **Annual Panel on the Rights of Indigenous Peoples.** The half-day panel discussion focused 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. Although there was no specific discussion around the impact of drug policy and Indigenous Populations, [IDPC](#) delivered a joint statement addressing the issue of the

criminalisation of the coca leaf, which has been used by Indigenous Peoples in the Andean-Amazonian region for traditional, religious, ancestral and medicinal purposes, urging Member States and the UN human rights system – especially UN entities focusing on protecting the rights of Indigenous Peoples– to support the important work of the WHO Expert Committee on Drug Dependence, which is reviewing the coca leaf to be removed from the schedules of the 1961 Convention, after receiving a formal request from the Plurinational State of Bolivia in July 2023.