**Re: Call for Submissions regarding Report of the High Office for Human Rights on the implementation of the UNGASS Joint Commitment to effectively address and counter the world drug problem with regards to human rights**

**Submission:**

**YouthRISE Nigeria**

**15 May 2018**

YouthRISE Nigeria is an advocacy and service based organization established to promote human rights, access to quality health and socio-economic justice for young people, especially those vulnerable to drug use. It is actively engaged in promoting evidence-based drug policies in Nigeria and the West Africa region. In this submission, we give a detailed account of the implementation of the UNGASS outcome document in addressing the drug challenge in Nigeria with a focus on human rights. This submission is based on experiences and current realities encountered and documented in the course of our work on the field.

The outcome document of the 2016 United Nations General Assembly Special Session (UNGASS) on the world drug problem clearly calls for states to ensure their drug policies are based on the principles of human rights. However, two years later, Nigeria still experiences a high level of gross human rights violations under the guise of drug control. Drug use remains within the purview of the criminal justice system characterized by the (1) use of force through indiscriminate arrests and incarceration, (2) a series of extra judicial killings, and (3) lack of access to justice and quality health care by people who use drugs. These violations thrives in part because of the low level of sensitization and awareness about human rights, still considered a “foreign” ideology. Although, a motion was moved on the floor of the Nigeria parliament to review the Nigeria drug law, human rights remain largely undermined by the repressive drug policy environment in the country.

**Treatment of drug use disorders, rehabilitation, recovery and social reintegration; prevention, treatment and care of HIV/AIDS, viral hepatitis and other blood-borne infectious diseases.**

Compulsory treatment: Current practices reveal forced rehabilitation of drug users. Evidence has shown cases where family members force an individual who uses drugs into treatment programs against their will, even those who are mere recreational users. Due to the stigma and discrimination associated with drug use disorder, we see instances where family members coordinate with caregivers and law enforcement agents to arrest and lock up individuals who use drugs, thereby infringing on their human rights.

The right to health: The government’s reluctance to adopt harm reduction as a treatment of drug use disorders continues to negatively impact the health of drug users and the general public, particularly people who inject drugs. This has led to a public health crisis of HIV and hepatitis. This is in negation to Section 1 (J) of the UNGASS 2016 outcome document.

**Operational recommendations on cross-cutting issues: drugs and human rights, youth, children, women and communities.**

Detention for drug use, proportionate sentencing, and pretrial detention: In 2017, YouthRISE Nigeria conducted a survey across 7 prisons in 4 states to get data of young people in prison for drug related offences. Result from this research shows that the average sentence for simple possession or use of drugs across these states is 3 years and 6 months, with a range of 25 years imprisonment for the offence (the highest reported) to 1 month and 2 weeks (lowest reported). Also, the report shows that in relation to those detained for possession or use of drugs, pre-trial detention accounts for 59 per cent of inmates surveyed. This exercise also revealed disproportionate sentencing practices observed in certain cases where individuals were sentenced to 15 to 25 years for possession of little quantity of cannabis. In addition, discussions with prisons officials showed a knowledge gap with regard to drug treatment and care. Hence, inmates do not have access to health, treatment and social services.

Adequate quality of care and proper oversight: Furthermore, proper supervision and monitoring of drug treatment and rehabilitation facilities by the relevant government agency is lacking in Nigeria. Many of the treatment facilities do not meet the minimum operation standard and there are a series of reports showing human rights violations of individuals who undergo treatment in many of the rehabilitation centers in the country. Drug users are exposed to inhumane conditions in closed settings where they are flogged and punished in a bid to “cure” them of their drug use habit. In 2017, YouthRISE Nigeria carried out research on the activities of some of these centers within the country, the outcome of this was a documentary titled “WE ARE PEOPLE” which featured drug users narrating their horror experiences behind the walls of some of these treatment centers. Unfortunately many of these cases go unreported and the National Human Rights Commission does not have any structure or instrument in place to investigate and monitor the practices and quality of treatment being offered in rehabilitation facilities.

Law enforcement responses: Due to the stigma and discrimination associated with drug use in Nigeria, many drug users find it difficult to report human rights violations suffered at the hands of law enforcement enacting repressive policies. However, between February 2017 and January 2018, YouthRISE Nigeria documented 22 cases (10 Males; 12 Females) of brutality and abuse meted out on drug users by law enforcement agents in Abuja, Nigeria.

Right to Life: The militarization of drug control at the community level has also led to violence and loss of many innocent lives. A national newspaper reported in April 2018 how drug law enforcement agents killed many innocent people during a community raid (<http://www.punchng.com/ndlea-raids-lagos-island-shoots-pupil-guard-others/)>. This has been a common occurrence that strip communities of their rights to protection and sanctity of lives.

**Recommendations towards ensuring coherence between drug policy and human rights.**

If there is ever going to be coherence between drug policy and human rights, there has to be a change in the policy response to the drug challenge in Nigeria. Nigerian drug policy should be rooted in public health and principles of human rights. Our recommendations for Nigeria are as follows:

1. Awareness raising: There should be proper sensitization of the general public on human rights and the importance of respecting the rights of every individual including people who use drugs.
2. Documenting abuses: Civil Society Organizations should incorporate documentation of cases of human rights violations of drug users, in their work. This would help with regard to data gathering and analysis.
3. Legal review: There is a need to review the Nigeria Drug Law. This review should consider, among others things, decriminalizing drug use/set thresholds; ensuring proportionality in sentencing for drug related offences; differentiating between users and dealers.
4. Treatment oversight: The government should put structures in place to register, investigate and monitor the practices of all treatment and rehabilitation facilities in Nigeria to ensure quality health service delivery under conditions that uphold the principles of human rights.
5. Harm reduction: Implementation of harm reduction services for people who use drugs is a rights issue. The government of Nigeria should as a matter of urgency ensure this is done.
6. Law enforcement and growers: Alternative approaches should be adopted to end the brutal exchanges between law enforcement agents and cannabis farmers that has led to loss of lives on both sides.
7. Militarized responses: Avoid militarization of the drug control response and promote citizen security at the community level.