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**Office of the High Commissioner for Human Rights - United Nations Office
CH-1211 Geneva 10
Switzerland
c/o Mr Robert Husbands**

Regarding: Submission of the Transnational Institute to the OHCHR regarding resolution A/HRC/28/L.22.

Amsterdam, 15 May 2015

Dear Sir,

Firstly we would like to thank you for this opportunity to provide input to the OHCHR study on the impact of the world drug problem on the enjoyment of human rights.

The Transnational Institute (TNI) was founded in 1974 as an independent, international research and policy advocacy institute. Since its establishment, the Transnational Institute has always believed in the need to find global answers to global problems, been a strong defender of multilateralism and an advocate of a well-functioning United Nations which stands as the guarantor of universal human rights. TNI's Drugs & Democracy programme analyses trends in the illicit drugs market and in drug policies globally, looking at the underlying causes and the effects on development, conflict situations and democracy. The programme promotes evidence-based policies guided by the principles of harm reduction and human rights for users and producers. Since 1996, the programme has maintained its focus on developments in drug policy and their implications for countries in the South. The strategic objective is to contribute to a more integrated and coherent policy – also at the UN level – where drugs are regarded as a cross-cutting issue within the broader goals of poverty reduction, public health promotion, peace building, good governance and human rights protection.

When considering the world drug problem we have to acknowledge that the prohibition of drugs has placed the markets of this lucrative trade in the hands of criminal organizations, and creates enormous illegal funds which stimulate armed conflicts throughout the world. For years the UN apparatus paid little attention to the controversy created by the international drug control system: the negative consequences of the international attempt to control the use and production of substances are often more harmful than the drugs themselves.

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In preparation of the 1998 UNGASS on drugs a public letter¹ was sent to Mr Kofi Annan to draw attention to this fact. The letter was signed by hundreds of prominent people around the world and called for an honest and frank evaluation of the global drug control efforts. The UNGASS 1998 turned out to do the opposite: everything was done to maintain the status quo and the outcome was a Political Declaration and related Plans of Action aiming for a drug free world in 2008. The only positive outcome of the 1998 UNGASS on drugs was the adoption of the Guiding Principles of Drug Demand Reduction. These principles allowed a slight policy shift towards treatment and harm reduction, partly under the pressure of the HIV/Aids epidemic amongst drug users.

Now looking back at the 17 years that have passed since, the reality on the ground shows an increase of drug production and use, yet we still observe member states setting unrealistic drug free goals and reverting to repressive policies in an effort to reach these clearly unattainable goals. Most funds and other resources are spent on enforcement and control often resulting human rights abuses of the most vulnerable people in the drugs chain: subsistence farmers, drug users, small dealers and couriers. In the past decennium human rights abuses in the name of drug control have been documented around the world. The [overview](#) that TNI has compiled of these violations can be found on our website.²

As member and founder of both the International Drug Policy Consortium (IDPC) and the Colectivo de Estudios Drogas y Derecho (CEDD) we support the letters they have written to the OHCHR regarding human rights and the world drug problem. We hope you will take them into account.

We would, however, like to draw your attention to one issue in particular: the need for a system wide cohesion within the UN as regards drug control. While recognizing the special role and expertise of the Vienna-based agencies, another lesson learned from previous special sessions is the importance of active involvement by *all* relevant UN agencies. The near monopoly Vienna acquired over the drugs issue within the UN system after UNGASS 1998 has proven to be an obstacle to a more system-wide coherent approach. The marginalized position of the WHO, despite its comparable mandate to the INCB under the drug control conventions, is a case in point and requires urgent attention. Actively soliciting and mandating the participation of UN agencies working in the fields of health, social and economic development, human rights, and peacekeeping would surely contribute to a more holistic and balanced approach at UNGASS 2016. We hope your study will be able to contribute to this.

Special attention from the Office of the High Commissioner on Human Rights is required to the situation of farmers involved in the production of the plants whose use has been prohibited. Their vulnerable position as subsistence farmers has been met with continuous violations of their most basic human rights. In this regard we would like to underwrite the need to include this group into the UN declaration on the rights of peasants and other people working in rural areas, currently under consideration by the Human Rights Council.

¹ <http://www.drugsense.org/unletter.htm>

² <http://www.tni.org/briefing/human-rights-and-drug-policy>



The former UN High Commissioner for Human Rights, [Navi Pillay, urged States to reconsider drug control from a human rights perspective](#), at a side event at the Human Rights Council in Geneva, in June 2014.³ She drew attention to the fact that human rights violations continue to occur in the context of States' implementation of drug control policies. We fully agree with her analysis and would like to request you to take it one step further and do an analysis on the tensions between human rights treaties and the UN drug conventions.

Next year's UNGASS on drugs offers the opportunity to have an honest debate about the international drug control framework and the OHCHR can play a key role in this debate.

Yours sincerely,



On behalf of the TNI Drugs and Democracy Programme
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