

G. Drug policy and human rights issues

Reference

United Nations, Economic and Social Council, E/CN.4/1997/37, 20 January 1997, Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the commission alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

Commentary

The Commission on Human rights, in its fifty-second session, requested the United Nations High Commissioner for Human Rights, inter alia, to continue his efforts in cooperation with UNAIDS and non-governmental organizations, as well as groups living with HIV/AIDS, towards the elaboration of guidelines promoting and protecting respect for human rights in the context of HIV/AIDS. Furthermore, the Commission requested the Secretary-General to prepare for the consideration of the Commission a report on these guidelines.

In response to these requests, the United Nations High Commissioner/Centre for Human Rights and the Joint United Nations Programme on HIV/AIDS (UNAIDS) convened the Second International Consultation on HIV/AIDS and Human Rights in Geneva, from 23 to 25 September 1996.

The above mentioned guidelines and the report prepared by the Secretary-General, contain several important references to drug use and human right issues. The paragraphs with reference to (injecting) drug use were selected from the lengthy document.

Interesting in this respect is the discussion paper, written by UNAIDS and the World Health Organization on "Fighting HIV-related intolerance: exposing the links between racism, stigma and discrimination"; URL: unaids.org/humanrights/BPracism.doc.

This paper was prepared in consultation with the Office of the High Commissioner for Human Rights.

It clearly establishes a strong link between HIV/AIDS, stigma, discrimination, poverty, race and gender.

Furthermore, it identifies that - already existing - inequalities linked to drug and substance abuse are reinforced by HIV/AIDS related stigma and discrimination.

It denotes the failure of prevention for injecting drug users, accounted for in part by political unwillingness to promote harm reduction measures.

Abstract

Essential in this respect is the clear statement within the guidelines that injecting drug users, are a group who already suffer from a lack of human rights protection, from discrimination and/or are marginalized by their legal status.

Furthermore, the guidelines recommend that public health law should fund and empower public health authorities to provide a comprehensive range of services for the prevention and treatment of HIV/AIDS, including condoms and drug treatment and clean injection materials. In this respect, criminal law should be reviewed to consider the authorization or legalization and promotion of needle and syringe exchange programmes and the repeal of laws criminalizing the possession, distribution and dispensing of needles and syringes .