

SUBMISSION TO OHCHR STUDY ON YOUTH AND HUMAN RIGHTS

This submission to the Office of the High Commissioner for Human Rights was compiled by Students for Sensible Drug Policy (SSDP), a global NGO with student-led chapters in 28 different countries across six continents. SSDP's mission is to empower young people to participate in the political process in order to reform regional, national, and international drug policies. We believe that laws and regulations surrounding drugs should be evidence-based and grounded in human rights, as opposed to current approaches to drug control that emphasize incarceration and supply eradication. We neither condone nor condemn drug use; rather we respect the rights of individuals to make decisions on their own health and well-being. SSDP obtained ECOSOC consultative status in 2011 and has been a regular presence at the annual Commission on Narcotic Drugs meetings ever since, presenting a side event every year. In 2016, thirty of our members attended the UNGASS on the World Drug Problem in New York.

SSDP believes that the international drug control strategies enacted to counter "the world drug problem" outlined in the three UN conventions on narcotics do an enormous amount of harm to young people and prevent them from effectively exercising their human rights. In this report we will outline three key areas in which current approaches to drugs are harming young people around the world: exposure to drug-related violence, youth incarceration, and impediments to education.. We will conclude by giving recommendations to the OHCHR on how to ensure that drug policies do not interfere with the full enjoyment of human rights by young people.

Exposure to drug-related violence and crime has a tremendously negative impact on the health and well-being of young people, and much of it has come at the hands of the military and police. In the Philippines, thousands of young people have been victims of President Rodrigo Duterte's violent crackdown on drug trafficking, including the high profile murders of 14 year old Reynaldo de Guzman and 19 year old Carl Angelo Arnaiz. The Duterte regime has encouraged these extrajudicial killings of people involved with drugs and have tolerated acts of violence against drug users in the name of eradicating drug use from the country. It is very similar to the 2003 crackdown on drug trafficking in Thailand that left over 2,000 people dead, many of them children. Police violence against young people who use drugs has been common throughout other regions of the world as well. Since the beginning of Mexico's current drug war in 2006, hundreds of children have been killed at police and military checkpoints. In Lebanon, young people are often profiled by the police and are arrested without probable cause, where they are then detained until they admit to drug use or are forced to take a urine test. Young people are also not adequately educated on their rights or how to navigate the complex Lebanese justice system. While these examples lie at the extreme end of enforcement, less extreme but still very serious forms of violence are suffered by young people involved with drugs at the hands of police. In Canada, a study of young people involved in drug trafficking cited heightened levels of police violence against street-involved young people. In Ukraine, a behavioral survey conducted of 805 street-involved young people indicated that two-thirds of respondents refuse to seek out available health services for substance abuse out of fear of harassment or stigmatization. All of this demonstrates that while drug laws may be well intentioned, the enforcement of such laws usually results in a high level of violence against young people. This is not to say that organized crime does not present a threat to young people as well, but rather indicates a pattern of violence throughout the world in countries that have implemented strict, punitive drug laws.

Incarceration for drug offenses has a huge effect on young people. A 2009 study by the Eurasian Harm Reduction Network found that most countries treat minors as adults in the criminal justice system when it comes to drug-related crimes. The consequences of a criminal record for young people range from discrimination and stigmatization to diminished access to education and reduced prospects for employment. In the United States for instance, the Higher Education Act stipulates that students who have a criminal record are not eligible for federal financial aid, preventing thousands of young people from attending college. Additionally, many schools discriminate against students with criminal records by asking questions about prior criminal history on applications, and denying applications in which students report their record. In Pakistan, incarceration of youth leads to a communication gap between young people and their parents or elders. This prevents young people from accessing important information about health because their parents will not speak with the incarcerated youth. All of these consequences can lead to a higher level of substance abuse and are counterproductive to the goal of reducing abuse among minors. The incarceration of parents can also have devastating consequences for children. Of the estimated 10.2 million people in prisons around the world, many are parents, and the effects of their incarceration on dependent children are insufficiently

taken into account by lawmakers. Women are among the highest rising demographic of prisoners, with many of them being incarcerated for drug offenses. Many of these women are single mothers who turned to the drug trade because they had few economic options. UN Women has described many women's involvement in the drug trade as a crime of poverty.

When these women are incarcerated for their actions, it is their children who suffer the most harm. The stigma associated with having a parent in prison can lead to trauma, shame, and guilt that in turn helps develop eating disorders, changes in sleep patterns, and symptoms of PTSD in children. Substance use is also prevalent among children with incarcerated parents, demonstrating once again that incarceration does not adequately halt drug use.

Many young people around the world are denied the right to an education due to their involvement with drugs. In Pakistan, since many young people who use drugs are isolated from their communities, they do not attend school regularly and have a low literacy rate. The lack of access to education makes it much harder for young people to avoid getting involved in the lucrative drug trade or becoming drug users themselves. Involvement with drugs can also lead to lower opportunities for employment and housing, which again, can lead to higher rates of substance abuse. Concerns regarding child's rights have also been raised by various prevention and treatment interventions. Many schools employ random drug testing, sniffer dogs, and strip-searching of students, raising important concerns about the ethics of such practices and the potential violations of human rights. Strip-searching specifically has been condemned by child rights groups and even by the U.S. Supreme Court in the 2009 case *Safford Unified School District vs Redding*. Thirteen year old student Savana Redding was strip-searched in school based on a faulty tip from another students. No drugs were found on her even after female officers searched her underwear. The Supreme Court found that the strip-search of Redding violated her fourth amendment rights guaranteed by the U.S. Constitution, setting a precedent for the presence of drugs being probable cause for a strip-search. The use of sniffer dogs and random drug testing in schools not only raise similar ethical concerns, but also have not been proven to have an effect on rates of use among students. Such practices additionally erode trust between students, faculty, and the administration of the school.

Given all of this information, we would like to provide the OHCHR with the following recommendations that we believe will prevent the human rights of young people from being impeded on by punitive drug laws :

1. Invest in alternatives to incarceration for young people involved with drugs. NGOs such as Skoun in Lebanon have advocated for their country to form an Addiction Committee under Lebanese law that would divert people to outpatient treatment programs instead of prisons. Similarly, states in the USA have seen success with Law Enforcement Assisted Diversion (LEAD) programs, which places people who use drugs in the care of a social worker rather than law enforcement.
2. Re-evaluate the metrics used to determine the success of drug strategies. Often, states use the prevalence rates of drug use to determine the success of their drug strategies. This is flawed as these studies often omit those who are not attending school, or have been excluded from school. Such studies are also dependent on socioeconomic factors of those surveyed. New metrics that evaluate the quality of life among people who use drugs should be agreed upon by member states.
3. Ensure meaningful participation of young people in civil society and the UN decision making process. Meaningful participation means efforts to engage organizations and individuals that may not have previously participated in international drug policy debates. In particular, child rights groups and organizations focusing on youth education & development should be consulted.
4. Initiate a global study on the impacts of drug policies on children and young people. The UN General Assembly should agree to this study modelled on the UN study on violence against children requested by the GA in 2002, and should utilize the UN Convention on the Right of the Child as a binding, consensus-based framework for analysis, alongside a range of other agreed upon standards.
5. Recommend the decriminalization of all drugs to member states, highlighting the success of Portugal's approach which has seen a decrease in the number of overdose deaths and drug-related harms.

Thank you for taking the time to read this report. For follow-up question, please contact Jake Agliata at jake@ssdp.org.