Human Rights Challenges in Addressing and Countering All Aspects of the World Drug Problem

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Abstract

The world drug problem presents severe consequences that go beyond the jurisdiction of public health and law enforcement. While people use drugs for different reasons, sometimes drugs become central to their lives and they believe that they cannot live without them. Such people are dependent on the drugs they use. The social stigma of drug use remains issues of concern in the society. People who use or abuse drugs are highly stigmatized, which often prevents them from being included and accepted within society and their communities. People see them as irresponsible and as threats to the environment.

This presentation explores the critical intersection between human rights challenges and efforts to address and counter all aspects of this global health problem. It also examines the human rights implications of drug control policies, criminalization, access to health services, and alternative approaches. By analyzing key challenges, such as the impact on vulnerable populations, the criminalization of drug use, and the need for harm reduction strategies, this presentation highlights the importance of incorporating a human rights-based approach in drug policy formulation and implementation.

Introduction

Drug use is a worldwide phenomenon, and people use drugs for different reasons: for example, to have fun, to cope with stress, to deal with pain, to sleep or stay awake, to enhance sex, and to celebrate. For some, drugs become central to their lives and they believe that they cannot live without them. Such people are dependent on the drugs they use. They also recognize that their use of drugs brings many extra difficulties in their lives, for example, finding money to buy drugs, conflicts with family and friends, loss of educational and employment opportunities, violence, imprisonment, and even serious illnesses and death. These diseases place a huge emotional and financial strain on loved ones, the community and the State (Wolitski et al, 2009).

Human rights abuses, denial of care and violence directed at drug users have been found to impact the prevention efforts and social status of people using drugs (Krieger, 1999).

In Nigeria, drug control laws are often in conflict with harm reduction policies, thus increasing the likelihood of rights abuses against drug users. There have been numerous reports, formal and informal, of frequent rights abuses among drugs users, as well as societal stigma that lead to the limitation of many of their rights. Drug users are also frequently denied the basic right to care. In line with the Human Rights conventions and treaties and the Convention on the Rights of the Child (CRC), there should be respect of the human rights of people who use drugs, and abolishment of abusive practices carried out for the sake of treatment such as forced detention, forced labour, and physical or psychological abuse that contravene human rights standards and norms or that remove the right to self-determination (Human Rights Watch, 2011).

Drug control policies often focus on punitive measures and criminalization, leading to a range of human rights challenges. The criminalization of drug use contributes to the stigmatization and marginalization of drug users, violating their right to privacy, dignity, and non-discrimination. Additionally, the enforcement of drug laws disproportionately affects marginalized communities, exacerbating social inequalities and hindering access to justice.

The Impact of Drug Policies on Human Rights

Drug policies have wide-ranging impacts on human rights, influencing the lives of individuals and communities affected by drug use and enforcement measures. It is crucial to analyze these impacts to ensure that drug policies respect and uphold fundamental human rights principles.

1. Right to Life and Security

Drug policies that involve punitive measures, such as the use of excessive force or the death penalty, directly affect the right to life. For instance, the application of the death penalty for drug offenses violates the right to life and the prohibition of cruel, inhuman, or degrading treatment. Amnesty International provides comprehensive information on the death penalty and drug offenses, accessible at (<https://www.amnesty.org/en/what-we-do/death-penalty/death-penalty-and-drugs/>) Excessive use of force by law enforcement agencies during drug-related operations has been documented, leading to extrajudicial killings and violations of the right to life. Human Rights Watch's report on drug-related extrajudicial killings in the Philippines sheds light on this issue (<https://www.hrw.org/news/2022/02/02/philippines-dutertes-drug-war-claims-27000-lives>).

1. Right to Health

Drug policies significantly impact the right to health, both positively and negatively. Punitive drug policies can deter individuals from seeking essential health services, such as harm reduction programs and drug treatment. The Global Commission on Drug Policy advocates for evidence-based drug policies that prioritize public health and harm reduction, providing valuable insights on this issue (<https://www.globalcommissionondrugs.org/reports/>). Harm Reduction International offers extensive resources and information on the intersection of drug policy and the right to health, available at (<https://www.hri.global/drug-policy-and-human-rights>). Additionally, the International Drug Policy Consortium (IDPC) explores the relationship between drug policy and human rights, emphasizing the importance of health-centered approaches (<https://idpc.net/theme/human-rights>).

1. Right to Due Process and Fair Trial

Drug policies must uphold the right to due process and fair trial. Arbitrary arrests, unlawful searches and seizures, and denial of legal representation can violate these rights. The Open Society Foundations highlight the importance of fair trial protections in drug cases and provide resources on the subject (<https://www.opensocietyfoundations.org/voices/fair-trials-and-drug-policy>). Fair Trials, an international human rights organization, works to protect the right to a fair trial, including in drug-related cases (<https://www.fairtrials.org/our-work>).

1. Non-Discrimination

Drug policies can disproportionately impact certain groups, leading to discrimination and social exclusion. Racial and ethnic minorities, people who use drugs, and socioeconomically disadvantaged communities often face discrimination in the context of drug policy. The Drug Policy Alliance addresses issues of racial discrimination and drug policy in the United States, offering resources and advocacy materials (<https://www.drugpolicy.org/issues/racial-justice-and-drug-policy>). The IDPC's report on the impact of drug policies on vulnerable populations provides a global perspective on discrimination in drug policy (<https://idpc.net/publications/2018/06/the-impact-of-drug-policy-on-vulnerable-populations>).

Recommendations

Addressing the human rights challenges in countering the world drug problem requires a holistic approach that considers the social, economic, and health implications of drug policies. The following are recommendations for addressing the human rights challenges:

1. Review of Policies: The federal government of Nigeria and other stakeholders should revisit and review policies to reflect human rights expectations, including those that are victims of drug use. Such policies should be reflected in Drug control policy and other policies, such as health, education, etc.

2. Public Enlightenment and Advocacy: In order to create awareness to stop violation of drug users’ rights, it is recommended that awareness and advocacy programs from the government, civil society, media and private sector should also focus on proper education and enlightenment of the public to understand and respect freedom of rights of people that use drugs.

3. Awareness Training for Law Enforcement Agencies: Continuous training on human rights expectation regarding drug users should be instilled in law enforcement training programs to reduce punitive mandatory punishments that violate the rights of people that use drugs.

4. Prisons services should always investigate individual cause of offence to examine its relation to drug use and provide special and effective drug rehabilitation for those that use drugs, as different people require different therapeutic approaches or attention for rehabilitation.

 5. There should be extensive scientific-based research on mental health status in the context of rights abuses among drug users to establish supporting facts for reviewing policies.

Conclusion

While drugs may have a pernicious effect on individual lives and society, the excessively punitive system has not achieved its stated public health goals and has resulted in countless human rights violations.

ReferencesTop of Form

1. Amnesty International. Death Penalty and Drugs. Retrieved from <https://www.amnesty.org/en/what-we-do/death-penalty/death-penalty-and-drugs/>
2. Drug Policy Alliance. Racial Justice and Drug Policy. Retrieved from <https://www.drugpolicy.org/issues/racial-justice-and-drug-policy>
3. Fair Trials. Our Work. Retrieved from <https://www.fairtrials.org/our-work>
4. Global Commission on Drug Policy. Reports and Publications. Retrieved from <https://www.globalcommissionondrugs.org/reports/>
5. Harm Reduction International. Drug Policy and the Right to Health. Retrieved from <https://www.hri.global/drug-policy-and-human-rights>
6. Human Rights Watch, World Report Chapter: Mexico. 2011. Available at <https://www.hrw.org/world-report/2011/country-chapters/mexico>.
7. Human Rights Watch. Philippines: Duterte's 'Drug War' Claims 27,000 Lives. Retrieved from <https://www.hrw.org/news/2022/02/02/philippines-dutertes-drug-war-claims-27000-lives>
8. International Drug Policy Consortium (IDPC). Drug Policy and Human Rights. Retrieved from <https://idpc.net/theme/human-rights>
9. International Drug Policy Consortium (IDPC). The Impact of Drug Policy on Vulnerable Populations. Retrieved from <https://idpc.net/publications/2018/06/the-impact-of-drug-policy-on-vulnerable-populations>
10. Krieger N. Embodying inequality: a review of concepts, measures, and methods for studying health consequences of discrimination, Int J Health Serv. 1999;29(2):295–352.
11. Open Society Foundations. Fair Trials and Drug Policy. Retrieved from <https://www.opensocietyfoundations.org/voices/fair-trials-and-drug-policy>
12. Wolitski RJ, Pals SL, Kidder DP. Courtenay-Quirk C, Holtgrave DR. The effects of HIV stigma on health, disclosure of HIV status, and risk behavior of homeless and unstably housed persons living with HIV. AIDS Behav. 2009;13(6):1222–32.