

Joint submission to the Office of the High Commissioner for Human Rights for the preparation of the 2024 report on “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality

1 April 2024

Submitting organisations:



Harm Reduction International (HRI) is a leading non-governmental organisation that envisions a world in which drug policies uphold dignity, health and rights. We use data and advocacy to promote harm reduction and drug policy reforms. We show how rights-based, evidence-informed responses to drugs contribute to healthier, safer societies, and why investing in harm reduction makes sense.

HRI is an NGO in Special Consultative Status with the Economic and Social Council of United Nation.

Contact details: Ajeng Larasati, Human Rights Lead, ajeng.larasati@hri.global



Release is the national centre of expertise on drugs and drugs law in the UK. The organisation, founded in 1967, is an independent and registered charity. Release provides free non-judgmental, specialist advice and information to the public and professionals on issues related to drug use and to drug laws. The organisation campaigns directly on issues that impact on its clients - it is their experiences that drive the policy work that Release does and why Release advocates for evidence-based drug policies that are founded on principles of public health rather than a criminal justice approach. Release believes in a just and fair society where drug policies should reduce the harms associated with drugs, and where those who use drugs are treated based on principles of human rights, dignity and equality.

Contact details: Aminah Chowdhury, legal adviser aminah@release.org.uk

Introduction

Harm Reduction International (HRI) and Release welcome the opportunity to provide information for the preparation of the 2024 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21 and the Commissioner's ongoing attention to this important issue.

This submission will focus on human rights violations, including intersectional discrimination, against Africans and people of African descent in the context of drug law enforcement. This submission is intended as an integration and an update of previous submissions by the submitting organisations on this same topic, which provide a comprehensive overview of the phenomenon, and which we invite the Office to refer to in preparation of this report.¹

Drug policies as a driver of racial and intersectional discrimination

From its origins, drug policies have been an instrument of repression and oppression inextricably tied to racism and colonialism.² The criminalisation and stigmatisation of certain substances have served to demonise, dehumanise, and marginalise the communities who use them. When the USA colonised the Philippines, Guam, and Cuba in the early nineties, they set up a project to 'remake' the native population that included control on the use of opium. After this, France, the UK and other European countries joined this vision, giving way – including in African colonies - to a new era of drug control and a 'civilising mission' of European colonialism aimed to turn 'uncivilised' people into their vision of civilised subjects.³ During this period, colonial powers imposed oppressive, restrictive and punitive drug policies in Africa, that deemed African cultural practices as 'evil' and backwards.⁴

Since then, this strategy has been employed the world over to shape and control the lives of people of African descent and to harm and repress ethnic minority groups, among others. Racially charged death sentences are the most extreme manifestation of racist drug control. As reported by HRI in 2022, racist remarks in capital drug cases are not unusual.⁵ In 2003, Humphrey Jefferson, a Nigerian national, was sentenced to death in Indonesia for drug

¹ Submission by Harm Reduction International and Release ahead of the 2021 report, available here:

<https://www.ohchr.org/en/calls-for-input/2020/promotion-and-protection-human-rights-and-fundamental-freedoms-africans-and->

Submission by Harm Reduction International and Release ahead of the 2022 report, available here:

<https://www.ohchr.org/en/calls-for-input/2022/report-united-nations-high-commissioner-human-rights-pursuant-human-rights->

Submission by Harm Reduction International ahead of the 2023 report, available here: <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-preparation-2023-report-united-nations-high-commissioner-human->

² Daniels, C, Aluso, A Burke-Shyne, N, Koram, K, Rajagopalan, S, Robinson, I Shelly, S, Shirley-Beavan, S and Tandon, T (2021) Decolonising Drug Policy. *Harm Reduction Journal* 18:120. P 3 Doi <https://doi.org/10.1186/s12954-021-00564-7>.

³ Ibid. p. 3

⁴ For example, In Kenya, cannabis was banned under the 1933 Dangerous Drugs Act. Cannabis prohibition laid the foundations for the 1994 Narcotic Drugs and Psychotropic Substances (Control) Act, which governs Kenya's drug policy today.

⁵ Girelli, G, Jofré, M and Larasati, A. (2023) The Death Penalty for Drug Offences: Global Overview 2022. *Harm Reduction International*. P.43 Available at: <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2022>.

trafficking and executed 13 years later. One of the reasons for the Court to impose death as punishment was that “black people from Nigeria are often the target of police surveillance for drug trafficking” in the country.⁶

In the case of women, racial discrimination and stigmatisation of drug use is exacerbated by patriarchal social norms and attitudes, reflected in the expected role of women in society. Women are often seen as primary caregivers, who should be accommodating and subordinating their needs to those of men. Studies show that many of the women who have been sentenced for drug-related offences are at the lowest level of the drug trade, couriers from foreign countries, with low socio-economic status and from ethnic minority backgrounds. Notably, these subordinate positions in the drug market are also those most visible to law enforcement. As a consequence, drug offences are a key driver of the rise in global female incarceration: while women and girls represent only 7% of the global prison population globally, its population is increasing at a highest rate than of men, up to 60% since 2000 compared to 22% for men.⁷

In many instances, women engage in the drug trade to provide for or protect their families and/or dependents. Due to the patriarchal structure of power, those women face double sentences when facing a conviction for drug-related offences: firstly, the conviction itself followed by incarceration, and secondly, the social stigmatisation and social alienation for not complying with expected societal roles.⁸ A study by Cornell Centre on the Death Penalty Worldwide and HRI revealed that gender bias permeated the trial and sentencing process in cases of women facing the death penalty for drug offences; showing how that judgments were grounded on sexist beliefs and stereotypical assumptions about how femininity influenced their behaviour decision-making. Criminal offences were considered a “deviant act” from women’s social role, hence deserving harsher punishment. A Pakistan Court, for example, refusing a women’s bail application in a drug smuggling case observed: *“Had the accused been concerned about her suckling baby, she would not have resorted to indulge in such activity which had afflicted the whole society and especially the younger generation.”*⁹

Funding of punitive drug control through development aid¹⁰

Throughout the decades, a key strategy in pursuit of racist and colonialist policies has been overseas funding and technical cooperation by Global North countries to drug law enforcement

⁶ Ibid. P 43.

⁷ <https://www.icpr.org.uk/news-events/2022/world-female-prison-population-60-2000>.

⁸ Harm Reduction International and South African Network of People who use Drugs (2020). Barriers to harm reduction among women who use drugs. Experiences from Ethekeweni (Durban), south Africa. Doi <https://hri.global/publications/barriers-to-harm-reduction-for-women-who-use-drugs/>.

⁹ Cornell Center on the Death Penalty Worldwide (2018) Judged for more than her crime. A Global overview of women facing death penalty. Available at: <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>. Also Cornell Center on the Death Penalty Worldwide and Harm Reduction International (2021) ‘No One Believed Me’: A Global Overview of Women facing the Death Penalty for Drug Offences. Available at: <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

¹⁰ Unless otherwise referenced, all the information in this paragraph comes from Provost, C et al (2023) Aid for the War on Drugs, *Harm Reduction International*. Available at: https://hri.global/wp-content/uploads/2023/09/HRI_Aid-for-the-War-on-Drugs_Final-1.pdf/.

in the Global South. This dynamic continues to this day, with wealthier governments, led by the US, spending billions around the world to bolster or expand punitive drug control regimes and related law enforcement (including through funding of UN agencies programming); thus reinforcing systems that disproportionately harm Black, Brown and Indigenous people worldwide.

A 2023 HRI report adds to the wealth of evidence by presenting findings on official development assistance (ODA) spent by aid donors and institutions on ‘narcotics control’. Despite limited transparency on aid spending, the most recent available data shows that between 2012 and 2021 more than USD 974 million of aid money was spent on “narcotics control” projects in countries around the world. This includes spending by dozens of donors – led by the US, EU, Japan, and the UK – to support drug law enforcement around the world, including in countries that have the death penalty for drug-related offences.

Among the top 20 receiving countries in 2012-2021 were African countries (Nigeria and Ghana) as well as countries with significant Afro-descendant populations such as Colombia. In all these contexts, evidence suggests a pattern of human rights abuses by drug law enforcement. For example in Nigeria, people who use drugs (including young people who use drugs) report widespread stigma and discrimination, and targeting by law enforcement including through routine stop and search, arbitrary arrest and detention, extortion, and physical abuse.¹¹

Availability of comprehensive, updated, disaggregated data on drug law enforcement

At a national level, a major obstacle to identify and address intersectional discrimination is the lack of comprehensive, updated and – perhaps most notably – disaggregated data on drug law enforcement, including stops and searches. As already addressed in our 2022 and 2023 submissions,¹² this has been associated with State’s failure to collect data and/or unwillingness to release such information. Even when data is collected on several grounds - such as ethnicity, gender and age - it is presented in a siloed way that hinders its analysis with an intersectional approach.

The lack of systematic and disaggregated data on the impact of drug policies is mirrored at the international level. Despite some recent improvements, the Annual Report Questionnaire (ARQ)¹³ - the international data-collection mechanism used by UNODC to collect evidence on the state of the “world drug problem” – continues to attract criticism around lack of impact and human rights indicators.¹⁴ The data collected through this mechanism is used to produce what is supposed to be the most authoritative resource on current developments in drug policy globally: UNODC’s annual World Drug Report. However, this questionnaire does not measure many impacts – including human rights impacts - of drug policies with an intersectional

¹¹ Youtrise, OSIWA and CISHRWIN (2015) We are Human: The Unintended Consequences of the Nigerian Drug Law on the Health and Human Rights of Young People Who Use Drugs. Available at: <https://youthriseng.org/wp-content/uploads/2020/12/We-Are-People-Final.pdf>.

¹² For more detail information see HRI and Release submission 2022, HRI submission 2021 (footnote 1).

¹³ The ARQs can be downloaded here <https://www.unodc.org/unodc/en/data-and-analysis/arq.html>

¹⁴ For more detail information see HRI submission 2022 (footnote 1).

approach. For example, the questions related to the criminal justice process ask for disaggregation on the basis of sex, age and sometimes citizenship, completely missing the opportunity to systematically cover impact on the basis of other grounds, including race and ethnic origin. The lack of disaggregated data, especially on the targets of drug law enforcement and the functioning of the criminal legal system, has the effect of making some populations invisible, 'hiding' their experiences, and their being disproportionately impacted.

As recommended by experts, a good way to collect accurate data would be to include the data collected by all UN agencies and bodies as well as civil society working on drug policy.¹⁵ All published data at the national level which records trends on ethnicity should also disaggregate by gender and age and other prohibited grounds to reveal the experiences and disproportionate impact of drug law enforcement on specific groups.

Discriminatory law enforcement policies and practices

As already documented by civil society and UN agencies, people of African descent, Indigenous Peoples and migrants are discriminated against at all stages of the criminal justice process, being disproportionately policed and arrested, sentenced, and incarcerated for drug offences globally. In addition to the sources mentioned in previous submissions on this topic, we also refer to the 2023 landmark report by OHCHR on 'human rights challenges in addressing and countering all aspects of the world drug problem', which concluded that "punitive drug policies have resulted in overincarceration of marginalized groups, racial and ethnic minorities, and women. [...] The report also recommended states to "end the disproportionate impact of discriminatory law enforcement and sentencing policies on people of African descent, who are more likely to be stopped, searched, arrested, convicted and severely sentenced for drug crimes."¹⁶

The racist impacts of drug policies identified above are disproportionately experienced by **children and young people of Black and African descent**. Many times, the inherent innocence and vulnerability of childhood and adolescence are not afforded to them, in a process of 'adultification' which is permeated with discrimination and bias.¹⁷ In the UK, the institutional racism of the Metropolitan Police, recognised in the 1990s following the 'McPherson report' is still very present.¹⁸ This can be observed, among others, in the practices of stop and search and strip searches, which disproportionately affect the most vulnerable within the Black and African community: young children and teenagers. Recently, the Children's Commissioner for England found that around 650 children were strip-searched by the police over a two-year period, with the majority found "innocent of the suspicions against

¹⁵ Bewley-Taylor, Dave and Nougier, Marie. (2018) Measuring the 'world drug problem': ARQ Revision. Beyond traditional indicators? Doi <http://filesserver.idpc.net/library/GDPO%20Working%20Paper%20No3%20012018.pdf>.

¹⁶ A/HRC/54/53.

¹⁷ Davis, (2022) Adultification bias within child protection and safeguarding. Doi <https://www.justiceinspectrates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2022/06/Academic-Insights-Adultification-bias-within-child-protection-and-safeguarding.pdf>

¹⁸ MacPherson, W, (1999). The Stephen Lawrence Inquiry. Doi 4262.pdf (publishing.service.gov.uk).

them”.¹⁹ Despite the statutory requirements that a responsible adult be present when searching people under the age of 18, data show that in a quarter of the cases (around 23%), the searches were carried out in the absence of a parent, legal guardian, or social worker.²⁰ A clear example of this phenomenon - and of the ‘adultification’ process mentioned above - is the case of Q, which made headlines back in 2020. Child Q was a 15-year-old Black schoolgirl who was strip-searched by Metropolitan police officers in 2020 after school staff (falsely) reported that she might be in possession of cannabis whilst at school. Later, it emerged that the child was not only searched in the absence of an appropriate adult, but also the search was conducted despite the knowledge that she was menstruating. Moreover, the school neglected to inform the child’s parents of the strip-search until after the matter.²¹ This case perfectly illustrates the intersection between punitive drug laws and institutional racism in educational settings; both of which disproportionately affect young Black people and children. It also shows how failing to implement meaningful measures will only perpetuate trauma onto more children. According to the mother of child Q, the girl was left so traumatised after being strip searched that she felt suicidal. The case of child Q is not isolated. Over the past three years, two-thirds of children who had been strip searched by the Metropolitan Police were from racialised backgrounds. Moreover, out of the 78 girls who were strip-searched in London police stations in 2023, 32 were black or from other racialised backgrounds.²²

Discrimination on the ground of drug use is also compounded by **gender-based discrimination and gender-based violence** by law enforcement. HRI and the South African Network of People who Use Drugs (SANPUD) looked at the experiences of women who use drugs with access to harm reduction in Durban, South Africa, finding that women who use drugs are routinely oppressed, criminalised and dehumanised by law enforcement and prison staff; on account of both their gender and their association with drugs.²³ Despite a clear desire to achieve good health and access harm reduction services, women were continually blocked from doing so by a law enforcement ecosystem that sees them as undeserving of even basic respect and dignity. Women who use drugs, particularly sex workers, were routinely targeted by police, experiencing abusive searches, arbitrary arrests and illegal confiscation and destruction of essential health commodities and personal belongings that have nothing to do with their drug use or related to any criminal offence.²⁴ The report also observed that women who use drugs were routinely victims of psychological and physical violence, including sexual violence by law enforcement. When trying to report a crime, women were victim to their claims being dismissed by police due to their drug use or engagement in sex work.²⁵

¹⁹ Weale (2022). Revealed: Met police strip-searched 650 children in two-year period. Available at: <https://www.theguardian.com/uk-news/2022/aug/08/police-data-raises-alarm-over-welfare-of-stripsearched-children>

²⁰ Weale, (2022). Revealed: Met police strip-searched 650 children in two-year period. Available at: <https://www.theguardian.com/uk-news/2022/aug/08/police-data-raises-alarm-over-welfare-of-stripsearched-children>

²¹ Ibid.

²² Mahalingam, (2022). Around 50 children strip searched by the police every week – and most are black. Available at: [Around 50 children strip searched by the police every week – and most are black – The Justice Gap.](#)

²³ Harm Reduction International and South African Network of People who use Drugs (2020). Barriers to harm reduction among women who use drugs. Experiences from Ethekweni (Durban), south Africa. Available at: <https://hri.global/publications/barriers-to-harm-reduction-for-women-who-use-drugs/>.

²⁴ Ibid.

²⁵ Ibid.

Racial disparity in arrests and sentencing for drug offences

Previous submissions by HRI and Release (2022 and 2023), as well as by the HIV Legal Network and the Centre for Drug Policy Evaluation (2022)²⁶ reviews evidence that Africans and people of African descent are arrested and sentenced disproportionately for drug offences including in Canada, the UK, the US, and Brazil.

Data from the UK shows that despite stop and searches falling from 1.2 million in 2009/2010 to approximately 303,288 in 2016/2017, the arrest rate for Black people remained the same, whereas for white people it halved.²⁷ This exemplifies the disproportionate criminalisation of the Black community in the country, with Black defendants more likely to be arrested and more likely to face disproportionate sentencing. Analysis demonstrates that minority ethnic offenders sentenced for drug offences in the Crown Court had considerably higher odds of receiving an immediate custodial sentence than their white counterparts.²⁸ Stop and search provides an important gateway into the criminal justice system for drug offences with 61% of all stop and searches in the year ending March 2023 based on being in 'suspicion of drug possession'.²⁹ Furthermore, the fact that Black people are more likely to be arrested as a result of a stop and search than white people, demonstrates that not only are Black communities over-policed but they are also disproportionately criminalised. Around one-fifth of all arrests of Black people result from stop and search, this is more than three times the rate of their white counterparts. Looking at drug offences specifically, about 57% of arrests of Black people resulted from stop and search, in comparison to only 31% of arrests for white people.³⁰ These disparities suggest that the disproportionate application of stops and searches is largely a function of police policy and decision making rather than crime.

Racial disparities in the sentencing of offences have been well documented. Figures from Release show Black people were prosecuted for drug offences at more than eight times the rate of white people in 2016/2017.³¹ Furthermore, the criminalisation of people who use cannabis has been a particular driver in entrenching Black people deeper into the criminal justice system, with cannabis possession often becoming an entry point into the criminal justice system for many and disproportionately so for young, Black men. For example, Black and Asian people were convicted of cannabis possession at 11.8 and 2.4 times the rate of white people, despite their lower rates of self-reported use, providing prima facie evidence of discrimination.³² In other words, despite Black people comprising 4% of the general population in the UK, they make up a quarter of all those convicted for cannabis possession cases.

²⁶ Available at: <https://www.ohchr.org/en/calls-for-input/2022/report-united-nations-high-commissioner-human-rights-pursuant-human-rights>.

²⁷ Shiner, M, Carre,Z, Delsol,R and Eastwood.N. (2013) The colour of injustice: Race, drugs and law enforcement in England and Wales. Available at: <https://www.release.org.uk/publications/ColourOfInjustice>.

²⁸ David Lammy, (2017). The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. Available at: .

²⁹ Home Office, (2022). Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023. Available: Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 - [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 \(second edition\) - GOV.UK \(www.gov.uk\)](#).

³⁰ Shiner, M, Carre,Z, Delsol,R and Eastwood.N. (2013) The colour of injustice: Race, drugs and law enforcement in England and Wales. Available at: <https://www.release.org.uk/publications/ColourOfInjustice>.

³¹ Ibid.

³² Ibid.

Astonishingly, more Black people are prosecuted and convicted for cannabis possession than for the supply of Class A and B drugs combined. Punitive drug law enforcement is clearly a form of racial and social control and is a tool of oppression. The overrepresentation of Black people charged with cannabis possession offences is a clear example of a punitive and racially biased policy. Drug law reform, in particular the legalisation of cannabis, has been proven to substantially reduce racial arrest disparities.³³

Discrimination in accessing drug-related health services, including harm reduction³⁴

The barriers to access to health services posed by criminalisation of drug use and punitive drug policies disproportionately impact people of African descent, Brown, Indigenous People and ethnic minorities. Racial discrimination and structural inequalities have hindered access to harm reduction services for Black, Brown, and Indigenous people who use drugs; including access to opioid agonist therapy, needle and syringe programmes, and viral hepatitis treatment. The role of criminalisation as a barrier to accessing life-saving harm reduction services, including opioid antagonists such as naloxone that can reverse overdoses, is particularly concerning in the context of the opioid overdose crisis that is now unfolding in the US. As reported by the Global State of Harm Reduction 2022, by 2020 Black and Native American people had already overtaken white people as the two ethnicities with the highest rate of overdose deaths. Data also suggests the opioid overdose crisis is worsening among Black Americans, while figures among white American improve.³⁵ However, in the US harm reduction services are concentrated in predominantly white neighbourhoods.³⁶ Similarly, there is a racial divide in the country when it comes to who has access to which treatment, with methadone being more available in strictly Black and Brown communities, while buprenorphine is more readily available in communities of white people.

The impact of criminalisation can also be compounded by intersecting forms of discrimination such as that based on gender, sexual orientation, and migration status. Because of the systemic issues with data collection and reporting highlighted in the previous paragraph, it is impossible to fully reconstruct the extent to which race and these other grounds of discrimination intersect in impacting access to drug-related health services. Nevertheless, evidence shows that people who have migrated to the United States, primarily from Asia and Latin America, also face severe challenges in accessing harm reduction services. Not only are services rarely located in areas where migrants live, people who are undocumented also face severe consequences related to drug criminalisation. Non-citizens with drug-related convictions may face detainment without hearing in immigration detention facilities while waiting for potential deportation. They can also face disqualification from citizenship, visas and permanent residency. The situation can be even worse for women who use drugs, who lack

³³ Ibid.

³⁴ Unless stated otherwise, all information in this section is from a Joint submission to the UN Committee on the Elimination of Racial Discrimination. Comments to draft General Recommendation N 3 on Racial discrimination in the enjoyment of the right to health. Available at: <https://hri.global/publications/joint-submission-to-the-un-committee-on-the-elimination-of-racial-discrimination/>.

³⁵ For Example, in Maryland from 2017 to 2020, for example, overdose deaths among white people decreased by 14%, but they increased by more than 40% among Black people.

³⁶ Harm Reduction International (2022) The Global State of Harm Reduction, *Harm Reduction International*. P. 117. Available at: <https://hri.global/flagship-research/the-global-state-of-harm-reduction/the-global-state-of-harm-reduction-2022/>.

access to tailored harm reduction services and face violence, discrimination and stigmatisation as their drug use is considered not to align with the care giver role expected for them by society.

The criminalisation of drug use and possession for personal use is also a driver of other harmful policies that can impact the health of racial and ethnic minorities, for instance by restricting access to housing. In the UK, social housing will often contain policies that restrict illegal activities leading to eviction of people use drug in their homes. The Anti-social Behaviour, Crime and Policing Act 2014³¹ allows for the closure of premises, including residential housing, where there is “nuisance behaviour”. These orders can last from three to six months and require the tenant to leave the property and find somewhere else to live, returning to the property is a criminal offence, during this period their landlord will often seek possession orders with the aim of evicting the resident. “Nuisance behaviour” includes drug use and these powers originated from 2001 legislation (now repealed) which allowed for closure orders only in respect of Class A drug use, often referred to as the “crack house closure order”. The 2014 Act also allows for the mandatory eviction of “any tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence”, a serious offence includes drug supply. In the US, public housing authorities are also allowed to terminate leases in cases of ‘drug-related criminal activity’, which includes drug use and possession for personal use.

Punitive drug laws and policies are also major drivers of non-consensual medical treatment, in violation of the right to health. Within the criminal legal system, non-consensual drug treatment can take place in the form of compulsory drug detention, mandatory treatment by judicial order, or drug courts and other forms of coerced treatment in which people who use drugs are forced to “choose” between incarceration and treatment. These systems of coercion often compel people to undergo drug treatment that is not necessary, is not based on scientific evidence, and is not tailored to their specific needs. In 2021, the UN Working Group on Arbitrary Detention found that mandatory or coerced drug treatment is contrary to human rights standards, stating that “drug treatment should always be voluntary, based on informed consent, and left exclusively to health professionals. There should be no court supervision or monitoring of the process, which should rest exclusively with trained medical professionals.”

Conclusions and recommendations: progress towards transformative change for racial justice and equality

The inherently racist and discriminatory nature of drug control can only be addressed through a radical shift in policy and approach; rather than minor, technical tweaks. Therefore, an inevitable step towards ‘reimagining policing and the criminal justice system’ must be full decriminalisation, ideally followed by legal regulation.

Notably, the 2023 OHCHR report on ‘human rights challenges in addressing and countering all aspects of the world drug problem’ concludes that “shifting away from punitive models is critical to addressing all human rights challenges that arise from or are facilitated by the implementation of punitive drug control policies”; and recommends that states “adopt alternatives to criminalization, ‘zero tolerance’ and elimination of drugs, by considering

decriminalization of usage; and take control of illegal drug markets through responsible regulation.”³⁷

This issue and specific recommendations to promote better alignment between drug control and the High Commissioner’s transformative agenda for racial justice have been analysed in depth in our 2023 submission, to which we refer back. We also wish to integrate recommendations on divestment and redirection of funding for punitive drug control contained in this source with specific recommendations on funding for drug control. In particular, countries as well as UN agencies should be recommended to review their ODA and programming in third countries in line with their human rights obligations and human rights due diligence standards; to stop funding narcotics control which risks contributing to human rights violations; to be more transparent about their spending on drug-related activities; and to invest in evidence-based and health- and human rights-centred harm reduction initiatives that is context-sensitive and appropriate.

³⁷ A/HRC/54/53.