



The war on Drugs is a war on us – 26th June is the reminder:

Statement from the Asian Network of People who Use Drugs (ANPUD)

“People do not lose their human rights because they use or sell drugs”

- UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein¹

The 1961 Single Convention on Narcotics Drugs and its follow-up treaties are merely based on prohibition, criminalization and punishment that incite war on drugs approach. These treaties undermine the 1948 Universal Declaration of Human Rights and dismantle “human rights” from the three pillars of the United Nations.

For the last 30 years the United Nations and the member states (country governments) have been observing 26th June to express their determination and celebrate their contributions to the global war on drugs.

Since 2016, we have witnessed unprecedented level of atrocities perpetrated by the Asian governments. In the Philippines, Duterte declared his war on drugs that has already resulted in over 20,000 extrajudicial killings and thousands of arrests of people suspected of using or selling drugs. Indonesian police and narcotics agency have fatally shot at least 106 suspected people in 2017. Similar approach in Cambodia has also resulted in massive arrests and detention of people suspected of using or selling drugs. Over 130 people have been killed and more than 13,000 people arrested in Bangladesh since Prime Minister Sheikh Hasina launched a nationwide anti-drugs campaign in May 2018. Most countries have a compulsory detention facility that governments prefer to call a “treatment center”. In these facilities, it is estimated that more than 500,000 people are detained at any one time. These centers are basically the factories of human rights violations.

Of the 33 countries and territories that endorse the death penalty for drug offences in law, majority belong to the Asian region. Countries like China, Iran, Saudi Arabia, Malaysia, Singapore, Vietnam and Indonesia aggressively enact death penalty for drug-related offences. Between January 2015 and December 2017, at least 1,320 people (does not include China) were executed.² China regularly holds public hearing and sentencing before executing people. On 23 June 2018, 10 people were executed for non-violent drug offences in China.³

Every year 26th June is a reminder of the fact that people who use drugs are universally criminalized, that our lives are regarded as less valuable, that our basic human rights are simply denied, that moral grounds still overrule scientific evidences and that the extrajudicial killings and perpetual suffering inflicted upon lives of people who use drugs have started to become a new normal. The war on drugs is an outright attack to the human rights. The war on drugs is a war on us.

With the growing community and civil society advocacy movement, some progress has been made during the United Nations General Assembly Special Sessions (UNGASS) on world drug problem in 2016. The outcome document welcomed the agenda for the Sustainable Development Goals (SDG) and included the strongest human rights provision ever.⁴⁵⁶ In June 2017, the Joint United Nations

¹ Killings of suspected “drug offenders” in Bangladesh must stop – UN Human Rights Chief:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23178&LangID=E>

² Harm Reduction International. The death penalty for drug offences: Global overview 2017.

³ China Executes 10 People for Non-Violent Drug Offences: <https://www.talkingdrugs.org/china-executes-10-people-for-non-violent-drug-offences>

⁴ UNODC. Outcome Document of the 2016 United Nations General Assembly Session on the World Drug Problem: Our joint commitment to effectively addressing and countering the world drug problem. 2016. Available from: <https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf>

statement on ending discrimination in health care settings (Joint WHO/UN Statement) called for a review and repeal of punitive laws that criminalize the use and possession of drugs for personal use.⁷ The UN human rights agency and several special rapporteurs have started to become more vocal to address the extrajudicial killings and gross human rights violations of people who use drugs. While this is a good signal, the agency itself seems to have less influence and more vulnerable within the UN system.

The Asian network of People who Use Drugs (ANPUD) is a regional community network committed towards advocating for equal rights and opportunities for people who use drugs. Building on our recommendations for the UNGASS 2016, we call upon the Asian governments and UN partners to:

- *End the criminalization of people who use drugs:* While UNAIDS and WHO⁸ recommend decriminalization of drug use, including removing criminal penalties and possession for personal drug use and for possession of drug use paraphernalia. In many Asian countries, those suspected of drug use are often beaten up, tortured and imprisoned for such offences.
- *Eliminate the death penalty for drug related offences and ensure proportional sentencing:* At least 16 countries in Asia have endorsed laws allowing for capital punishment for drug related crimes.⁹ ANPUD calls upon all governments to review national drug sentencing frameworks to eliminate the use of death penalty in line with international human rights law.
- *Close compulsory treatment centres for people who use drugs and scale up voluntary community based drug dependence treatment services:* In 2012, UN agencies called on governments to close compulsory drug detention and rehabilitation centres.¹⁰ The evidence convincingly demonstrates that compulsory detention and forced treatment has proved to be ineffective, costly and out of line with the international best practice and human rights obligations, often leading to more harm than good. ANPUD calls on Asian governments to immediately close compulsory detention centres and release those detained therein and demands the rapid scale up of evidence and community-based voluntary drug dependence treatment and harm reduction services.
- *Respect and protect human rights of people who use drugs:* Human rights violation against people who use drugs have been extensively documented in virtually every country in Asia¹¹ and in majority of cases government employees especially from the law enforcement agencies have perpetrated these abuses.¹² ANPUD urge all Asian governments to improve monitoring accountability for human rights violations as well as ensure the availability of social and legal protections with adequate access to justice and legal aid.
- *Fund comprehensive harm reduction and health services:* UN agencies like UNODC, UNAIDS and WHO recommend the implementation of a comprehensive package of health and social care services to prevent HIV and the transmission of other blood-borne infections, and services such as needle and syringe programs, opioid substitution therapy and overdose prevention and management with naloxone have been identified as priority interventions.¹³ Evidence shows that harm reduction services are effective, cost-effective and safe. Unfortunately, coverage of harm reduction services among people who use drugs in Asia remains abysmally low,¹⁴ and debilitating funding gaps prevent scale-up.¹⁵ ANPUD calls on

⁵ United Nations. Sustainable Development Goals. 2016. Available from: <https://sustainabledevelopment.un.org/sdgs>

⁶ Harm Reduction International. The Global State of Harm Reduction. 2016.

⁷ WHO, United Nations. Joint United Nations statement on ending discrimination in health care settings 2017. Available from: <http://www.who.int/mediacentre/news/statements/2017/discrimination-in-health-care/en/>.

⁸ WHO.2014. Consolidated guidelines on HIV prevention, diagnosis, treatment and care for key populations

⁹ Lai, G. 2012. Drugs, crime and punishment: Proportionality of sentencing for drug offences

¹⁰ United Nations. 2012. Joint Statement on compulsory drug detention and rehabilitation centres

¹¹ Rahman, F. and Crofts, N. (eds). Drug law reform in East and South East Asia (Lanham, MD: Lexington Books)

¹² Global Commission on HIV and the Law. 2012. Rights, Risk and Health

¹³ World Health Organization. 2012. Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users.

¹⁴ Harm Reduction International. 2016. Global State of Harm Reduction.

¹⁵ Harm Reduction International. 2014. funding crisis for harm reduction: Donor retreat, government neglect and the way forward.

all governments to allocate adequate annual budgets to support the implementation of comprehensive harm reduction services in a non-judgmental environment.

- *Meaningfully involve and facilitate participation of people who use drugs:* “Nothing about us without us!”¹⁶ ANPUD calls on relevant UN and donor agencies to promote, facilitate and financially support meaningful participation of people who use drugs and civil society groups in local, national, regional and global forums relating to drug policy.

¹⁶ Jurgens, R. 2008. "Nothing About Us Without Us" – Greater, Meaningful Involvement of People Who Use Drugs: A Public Health, Ethical, and Human Rights Imperative.