

# A captured gatekeeper: An evaluation of drug NGO access to ECOSOC accreditation and the UN Committee on NGOs

## Introduction

*“Decision-making across the board, on development, on security, on social affairs, is more effective and legitimate when people from different backgrounds are able to contribute. Meaningful participation of civil society in international processes and bodies, including in the UN, relies on free and vibrant democratic spaces with effective participation channels for diverse groups at the national level. This, in turn, requires respect for freedom of expression and access to information online and offline, freedom of association and physical security for those who speak up and assemble peacefully”.<sup>1</sup>*

The United Nations (UN) has long recognised the role of civil society as a key component of effective decision-making at all levels of governance. Yet, civil society continues to face significant barriers in accessing the decision-making table, including at the UN itself. One of these obstacles is the inability for many NGOs to obtain accreditation from the Economic and Social Council (ECOSOC), which would enable them to attend and engage in key UN policy-making fora such as the UN General Assembly, the UN Human Rights Council, and the UN Commission on Narcotic Drugs.

According to the International Service for Human Rights (ISHR)<sup>2</sup>, no less than 41 NGOs have seen their application for ECOSOC status deferred for over four years. Similarly, research by the International Drug Policy Consortium (IDPC), which will be presented here, has shown that NGOs

## Box 1 Impact on drugs NGOs

- In the 2017-2021 period, applications by drug NGOs have been increasingly blocked by a small group of countries. In five years, the percentage of drug NGOs recommended by the Committee dropped from 74% in 2017 to 51% in 2021. For IDPC member organisations seeking ECOSOC status, the rate of recommendations plummeted from 64% in 2017 to only 11% in 2021.
- NGOs promoting drug policy reform were overwhelmingly targeted by Russia, and to a lesser extent by China. Between 2017 and 2021, Russia asked 40 questions to drug NGOs, 38 of which were directed to reform NGOs.
- Russia’s role in blocking drugs NGOs has increased significantly in recent years. In 2021, it asked 51% of all questions addressed to NGOs working on drugs issues. In total, in 2021 Russia asked 18 questions to drug NGOs, up from 5 in 2017.
- By the end of 2021, 17 drug NGOs were still awaiting to receive ECOSOC status due to deferrals by the Committee. Out of these 17 NGOs, 8 had undergone at least 4 rounds of questioning and had still not obtained ECOSOC accreditation. The most emblematic example of this practice is perhaps that of the Andrey Rylkov Foundation, which is a Russian NGO providing life-saving harm reduction services to people who use drugs. Between 2017 and 2021, Russia and other countries asked no less than 11 questions about the NGO’s activities, de facto deferring their ECOSOC status application indefinitely.

working on drug-related issues are facing increasing difficulties in obtaining ECOSOC status. This is mainly due to obstructive practices within the UN Committee on Non-Governmental Organizations (thereafter called ‘Committee on NGOs’ or ‘Committee’), which is used by some countries as a tool to limit NGO participation in UN policy-making processes.

In this advocacy note, IDPC presents key research on how the Committee on NGOs has effectively restricted civic space for drug NGOs wishing to engage in UN proceedings, and offers key recommendations for member states as they are preparing to elect new members of the Committee on NGOs in April 2022.

## Background on the Committee on NGOs

### The Committee on NGOs

The Committee on NGOs is a standing committee of ECOSOC that is tasked with the consideration of NGO applications to ECOSOC status. The Committee has 19 members who are elected to serve four-year terms on the basis of equitable geographical representation<sup>3</sup>.

The current membership of the Committee includes a significant number of states that have a poor record in supporting and promoting civil society participation, in good part because over the years countries with more open civil society spaces have not prioritised membership in the Committee<sup>4</sup>. For the 2019-2022 mandate, the Committee is comprised of the following countries:

- African States: Burundi, Eswatini, Libya, Nigeria, Sudan.
- Asia-Pacific States: Bahrain, China, India, Pakistan.
- Eastern European States: Russia and Estonia.
- Latin American and Caribbean States: Brazil, Cuba, Mexico and Nicaragua.
- Western European & other states: Greece, Israel, Turkey, and the USA.

In April 2022, the 54 countries<sup>5</sup> represented at ECOSOC will be called to vote on the membership of the Committee for the period of 2023 to 2026. In February 2022, 359 NGOs raised concerns over these upcoming elections in an open letter in

## Box 2 Criticisms of the Committee on NGOs’ dysfunctional dynamics

Several actors have already denounced the dysfunctional dynamics in the Committee:

- For several years, delegates representing Chile, Mexico, Uruguay and the EU have made statements at ECOSOC and at the opening sessions of the Committee about the need to reform the Committee on NGOs.<sup>6</sup>
- The UN Secretary General Ban Ki-Moon referred to the work of the Committee as one amongst ‘a disturbing pattern of actions against NGOs whose work is essential to progress’.<sup>7</sup>
- The UN Special Rapporteur on the Rights to Freedom of Assembly and Association noted in 2014 that the Committee’s practice did not comply with the spirit or provisions of ECOSOC Resolution 1996/31 and that it ‘profoundly undermine[s] the ability of the UN to constructively engage with civil society’.<sup>8</sup>
- In 2016, the UN High Commissioner for Human Rights reported that ‘the deferral of a large number of NGO applications for consultative status, sometimes for years and reportedly for arbitrary reasons, has deprived the international debate of important civil society contributions’.<sup>9</sup>
- Former US Ambassador to the United Nations Samantha Power said that the NGO Committee was ‘looking more and more like an anti-NGO Committee’<sup>10</sup>.

which they called for states with a positive track record on civil society engagement to run as candidates, and for the elections to be competitive and fair.<sup>11</sup>

Worryingly, according to the International Service for Human Rights<sup>12</sup> (ISHR) as of February 2022 information available about the upcoming elections showed that 60% of candidate states (see Figure 1) were considered to have a ‘closed’ or ‘repressed’ civil society space, with only three considered to have a ‘narrowed’ civil society

**Figure 1. Preliminary list of candidates running for the Committee on NGOs and status on the CIVICUS Monitor<sup>14</sup>**

<b>African states</b>	5 seats available	No information available so far
<b>Asia-Pacific States</b>	4 seats available	4 candidates: India ( <b>repressed</b> ), China ( <b>closed</b> ), Pakistan ( <b>repressed</b> ) and Bahrain ( <b>closed</b> )
<b>Eastern European States</b>	2 seats available	3 candidates: Georgia ( <b>narrowed</b> ), Armenia ( <b>obstructed</b> ) and Russia ( <b>repressed</b> )
<b>Latin-American and Caribbean States</b>	4 seats available	4 candidates: Chile ( <b>obstructed</b> ), Costa Rica ( <b>narrowed</b> ), Cuba ( <b>closed</b> ) and Nicaragua ( <b>closed</b> )
<b>Western European and other States</b>	4 seats available	4 candidates: USA ( <b>obstructed</b> ), Turkey ( <b>repressed</b> ), Israel ( <b>obstructed</b> ), UK ( <b>narrowed</b> )

space, and none considered to have an ‘open’ one, according to the CIVICUS Monitor.<sup>13</sup>

Even more concerning is the fact that, as of the date of release of this Advocacy Note, in all regional groups but Eastern Europe the number of candidate countries equated the number of seats available. This means that if they were held today the elections would not be competitive, and that countries that have been active in blocking NGO access to the UN, including China, Cuba, Russia and Turkey, would have a guaranteed seat in the Committee.

### The process for reviewing NGOs at the Committee<sup>10</sup>

As a general rule, in order to access ECOSOC status an NGO must be previously recommended by the Committee on NGOs. When the Committee reviews an NGO application, if a state asks a question to the relevant NGO, the application is deferred to the next session of the Committee. If no question or objection is voiced, the application is recommended by consensus. Since members of the Committee only need to ask a question to trigger the deferral of an application indefinitely, this mechanism is used to limit access to UN settings for certain NGOs.

As an exception to this general rule, any state can request a roll-call vote on a particular application, explicitly asking to either recommend or reject it. When an application is turned down by the Committee on NGOs, the NGO can bring the case to the Economic and Social Council, which takes a final decision by vote. If an NGO is rejected, the application is closed and the organisation can apply again after a three-year period. Roll-call votes are infrequent and, because States with closed civil society

spaces hold considerable sway over the Committee, the result of the vote can be negative for the interests of NGOs.

### Allegations of bias in the Committee on NGOs

Research conducted in 2016 showed that 83% of applications were deferred that year - with the percentage going up to 87% for advocacy NGOs<sup>11</sup>. Blocking activities were reportedly carried out by a small number of Committee members. In 2016, four members of the Committee posed more than 50 questions and one member almost 300 questions; at the same time, six countries asked fewer than 10 questions.<sup>12</sup>

Committee members often choose to defer NGO applications for (geo)political reasons rather than on the substantive merits of individual applications.<sup>13</sup> The minutes of Committee meetings reveal some of the most obvious dynamics, which include, for instance, Pakistan challenging Indian NGOs, and vice-versa; the USA challenging Chinese and Russian NGOs and vice-versa; Turkey, China and Russia challenging human rights and minority rights NGOs, and Russia challenging LGBTQI+ organisations - and more recently also NGOs working on drug-related issues.

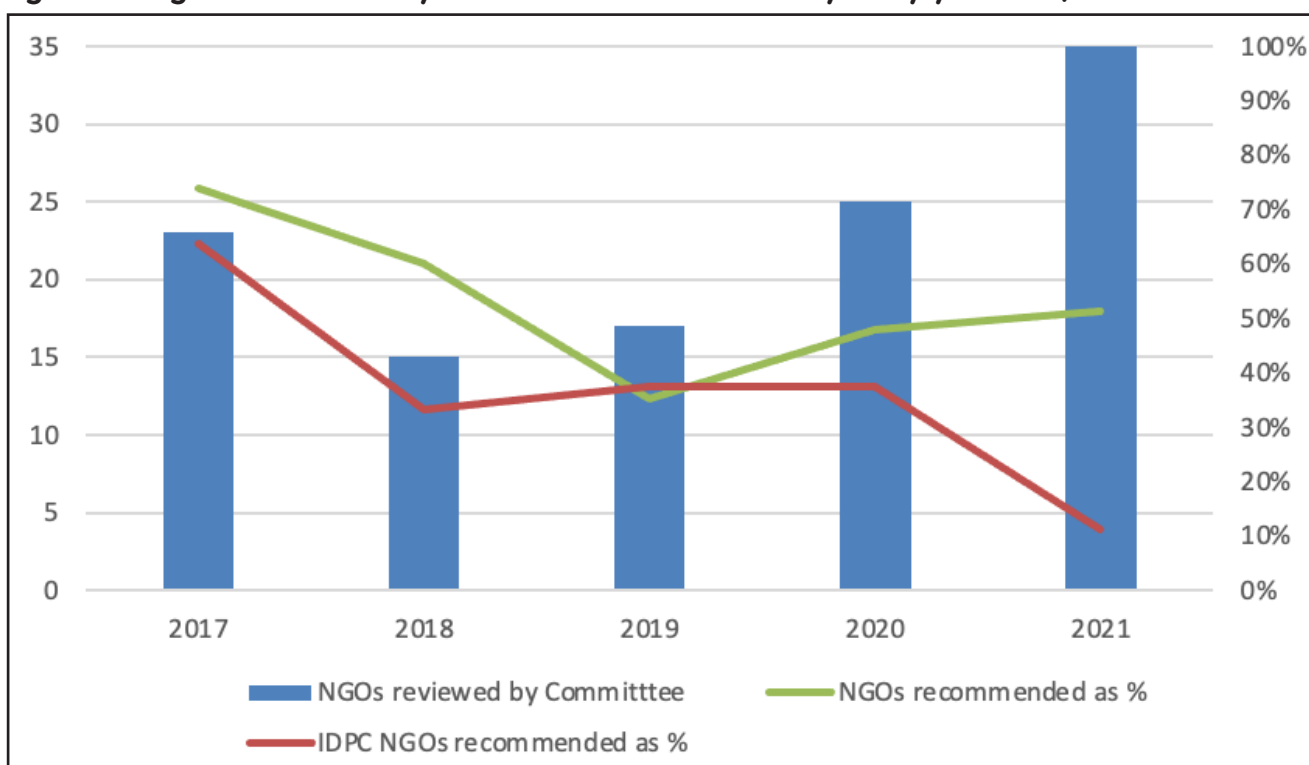
### Methodology

In this context, IDPC conducted a systematic analysis of how the Committee on NGOs has reviewed applications for ECOSOC status by drug NGOs during the period of 2017-2021, which comprises the first three years of the Committee’s current mandate (2019-2022)<sup>19</sup>, and the last two years of its former mandate (2015-2018).

**Figure 2. Review of drug NGOs at the Committee, 2017-2021**

Committee on NGOs, 2017-2021	Total		IDPC Members		Non-IDPC members	
	2017-18	2019-21	2017-18	2019-21	2017-18	2019-21
Number of drug NGOs that applied	32	54	13	14	19	40
Number of drug NGOs recommended	26	36	9	6	17	30
Drug NGOs recommended (as %)	81%	67%	69%	43%	89%	75%
Change in drug NGOs recommended between 2017-18 and 2019-21	-17%		-38%		-16%	

**Figure 3. Drug NGOs reviewed by the Committee on NGOs on a year-by-year basis, 2017-2021**



This research consisted in collecting and analysing all the minutes of the sessions of the Committee on NGOs in the period 2017-2021. The analysis was carried out in three stages. First, we extracted the data concerning all NGO reviews conducted by the Committee over the past five years from the minutes available online<sup>20</sup>; this resulted in a primary dataset comprising 5,251 NGO reviews. Second, we identified which organisations were ‘drug NGOs’ by cross-referencing the dataset with the membership lists of the Vienna NGO Committee on Drugs (VNGOC)<sup>21</sup> and the New York NGO Committee on Drugs (NYNGOC),<sup>22</sup> the two umbrella organisations that coordinate

NGO participation in UN drug policy-making fora, as well as with the membership of IDPC,<sup>23</sup> a global network of NGOs working for drug policy reform; we also selected NGOs that had the key words in English ‘drug(s)’, ‘narcotic(s)’, and ‘harm reduction’ in their official name, while excluding organisations that focus on pharmaceutical drugs or alcohol. While we believe that this is a robust methodology to identify NGOs engaged with international drug policy at the UN, it should be noted that we might have missed drug organisations that did not meet any of these criteria, for instance because they are not registered with one of the three umbrella organisations, or because

they are registered with an umbrella organisation under a name different than the official one used for applying to ECOSOC status. Lastly, we used this secondary dataset to analyse the questioning patterns of the Committee on NGOs during the 2017-2021 period.

## Summary of findings

### 1. The Committee on NGOs is increasingly deferring applications by drug NGOs. In 2021, it only recommended 50% of applications from drug NGOs

In the 2019-2021 period the Committee on NGOs reviewed applications by 54 drug NGOs. Taking these three years as a block, on average two in three drug NGOs were recommended for ECOSOC status by the Committee, but by 2021 this ratio had gone down to one in two. In these 3 years, the number of applications by drug NGOs recommended by the Committee decreased by 17% in

comparison to the 2017-2018 period, which correspond to the prior mandate of the Committee. As Figure 2 shows, the number of applications by IDPC members recommended by the Committee decreased by 38%.

In five years, the percentage of drug NGOs recommended by the Committee dropped from 74% in 2017 to 51% in 2021. For organisations that are members of the IDPC network, the rate of recommendation plummeted from 64% to 11%.

### 2. Some drug NGOs are indefinitely blocked by the Committee

By the end of 2021, 17 drug NGOs had not been able to access ECOSOC status because the Committee had deferred their application. Out of these 17 organisations, eight have undergone at least four rounds of questioning and still haven't obtained ECOSOC status.

**Figure 4. Drug NGOs waiting for ECOSOC accreditation as of February 2022**

Drug NGOs waiting for ECOSOC accreditation	Rounds of questioning	Questioning country
The Andrey Rylkov Foundation for Health and Social Justice	11	China, Nicaragua, Russia
Association of Non-for-Profit Organizations to Facilitate the Drug Prevention and Socially Dangerous Behaviour "National Anti-Drug Union"	6	United States, Mexico
Drug Policy Network South-East Europe	5	Russia
"Institute for the Study of Dependencies, Drug Policy Issues and Monitoring the Drug Situation"	5	Libya, Russia
Drug Free Pakistan Foundation	4	India, Mexico, Pakistan
INPUD Limited	4	Russia
The Global Initiative against Transnational Organized Crime	4	China, Russia, Turkey
Treatment Action Group	4	China, Cuba
Foreningen Tryggere Ruspolitikk	3	Russia
Fondazioni "Yesilay"	2	Greece
Inštitut za raziskave in razvoj "Utrip"	2	Russia
Somali Green Crescent Society	2	United States
Associazione Luca Coscioni	2	Cuba, Russia
De Regenboog Groep	2	Russia
Instituto RIA	2	Russia
Zeleni Polumjesec (Green Crescent)	1	Greece
Students for Sensible Drug Policy Australia Inc.	1	Russia



One emblematic example of these protracted referrals is the youth-led organisation Youth Rise,<sup>24</sup> which went through 10 rounds of questioning between 2017 and 2021, until it was finally recommended for ECOSOC status in May 2021. Another example is that of the Andrey Rylkov Foundation for Health and Social Justice<sup>25</sup> which has undergone no less than 11 rounds of questioning between 2017 and 2021 and is still awaiting to receive ECOSOC accreditation. More examples are highlighted in Table 4 above.

### 3. Drug NGOs are questioned by a small but active number of member states

In the 2019-2021 period, drug NGOs faced 72 questions from the Committee, up from 34 in the 2017-2018 period. In the 2019-2021 period, the top five questioning countries asked 76% of all questions to drug NGOs, with Russia putting forward a total of 31 questions (43% of all questions to drug NGOs); and the United States and China following suit with nine and seven questions respectively.

### 4. Member state questioning is often guided by political priorities

A review of the organisations targeted by each member state reveals that some countries select the drug NGOs they question on the basis of political priorities, whether based on geopolitics (as already mentioned above) or on policy preferences. For instance, out of the five questions asked to Drug Free Pakistan between 2017 and 2021, four have been posed by India or Pakistan. Similarly, in the period 2019-21 the United States posed 10 questions to three organisations based in China, Russia and Somalia.

Questioning to NGOs is also guided by member states' drug policy preferences. If we differentiate between 'reform NGOs' (defined as organisations that advocate for drug policy changes focused on the need to end punitive responses to drugs and/or harm reduction) and 'status quo NGOs' (defined as NGOs emphasising prevention and recovery), certain member states almost exclusively target one of these two groups.

**Figure 5. Questions posed to drug NGOs, 2017-2021**

Country	Questions (total) 2019-21	Questions (as %) 2019-21	Questions (total) 2017-18	Questions (as %) 2017-18
Russia	31	43%	9	26%
United States	9	13%	1	3%
China	7	10%	3	9%
Cuba	4	6%	9	26%
Pakistan	4	6%	1	3%
India	3	4%	1	3%
Greece	3	4%	0	0%
Mexico	3	4%	0	0%
Turkey	3	4%	0	0%
Nicaragua	2	3%	3	9%
Burundi	1	1%	2	6%
Libya	1	1%	0	0%
Sudan	1	1%	1	3%
Mauritania	0	0%	1	3%
South Africa	0	0%	3	9%
Venezuela	0	0%	1	3%
<b>TOTAL</b>	<b>72</b>	<b>100%</b>	<b>35</b>	<b>100%</b>

Russia's role was particularly notable in 2021, when it asked 51% of all questions addressed to drug NGOs. In total, in 2021 Russia asked 18 questions to drug NGOs, up from 5 in 2017.

Figure 6. Questions posed to drug NGOs by the top questioning countries, year by year

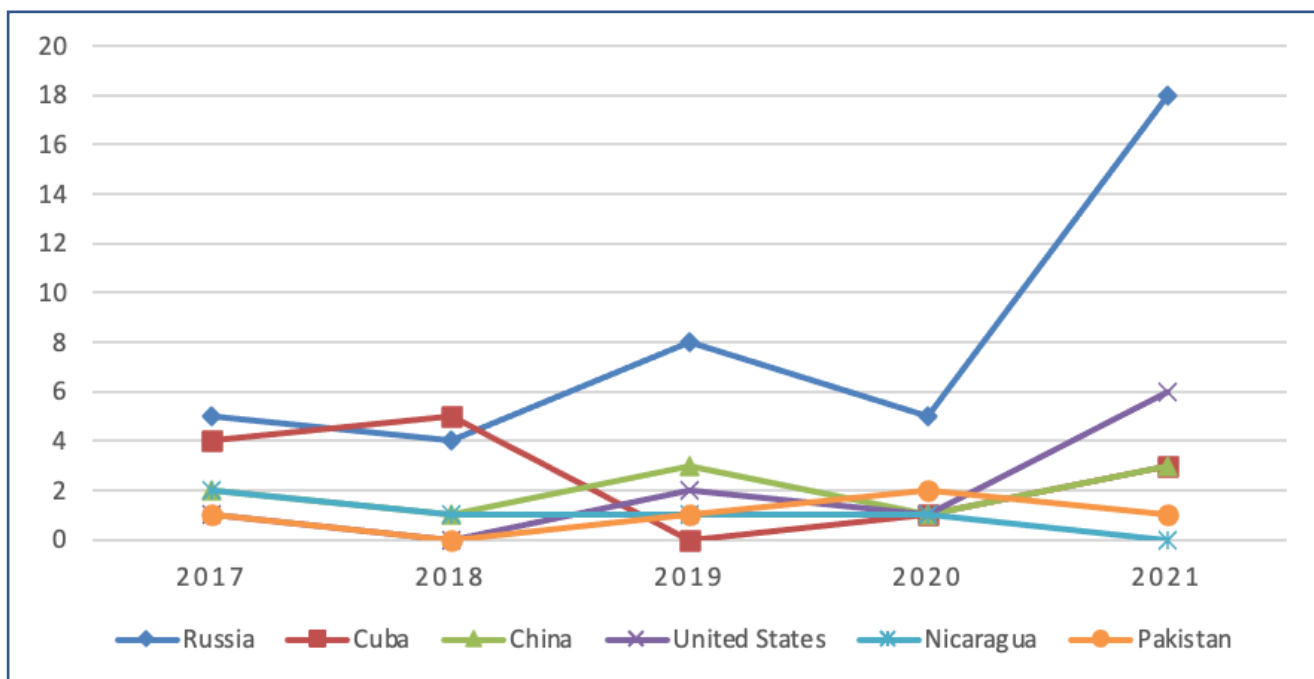


Figure 7. Drug NGOs reviewed by the Committee on NGOs on a year-by-year basis, 2017-2021

Country	Questions to drug NGOs, 2017-2021	Questions to 'reform NGOs'	Questions to 'status-quo NGOs'
Russia	40	38	2
Cuba	13	13	0
China	10	10	0
United States	10	1	9
Nicaragua	5	4	1
Pakistan	5	2	3
India	4	2	2
Burundi	3	0	3
Greece	3	0	3
Mexico	3	1	2
South Africa	3	3	0
Turkey	3	3	0
Sudan	2	1	1
Libya	1	1	0
Mauritania	1	1	0
Venezuela	1	1	0
<b>TOTAL</b>	<b>107</b>	<b>81</b>	<b>26</b>

## Recommendations

In light of our research, IDPC proposes the following recommendations for member states<sup>26</sup> in the lead up to the 65th session of the CND and the upcoming elections of the Committee on NGOs:

- We encourage all 54 ECOSOC members to vote only for candidates with positive track records with regards to civil society involvement. Candidates could be assessed based on indicators such as rating in the CIVICUS monitor, support for UN resolutions on civil society space and human rights defenders; responses to cases of intimidation and reprisals; and national-level initiatives to safeguard civic space, freedom of press and assembly and the promotion of other critical human rights. Countries committed to civil society participation at the UN should consider running for the Committee themselves.
- We encourage all regions to put up competitive slates, as the Asia-Pacific and Latin American and Caribbean regions did in the last elections for the Committee in 2018. Competitive elections are important to create buy-in to the process and encourage states to be accountable for their commitments to civil society involvement.
- In order to promote transparency, we encourage all regions to make candidacies public at least two months before the elections to allow for proper consideration of candidates, and encourage candidates to make the reasons for their candidacy public and elaborate on their commitment to fulfil their responsibilities as members of the Committee, as per ECOSOC Resolution 1996/31.
- We encourage Vienna delegations to raise concerns about restrictions in access to ECOSOC status for drug NGOs at informal meetings with other missions in Vienna. These meetings should be held both with like-minded members of the Committee to ensure that they can prioritise the most targeted NGOs in negotiations within the Committee on NGOs, and with those countries highlighted above as being the most active in deferring NGO applications in an effort to exert diplomatic pressure on them.
- We encourage CND delegates to deliver statements in the Plenary and during side events

at the 65th session of the Commission raising concerns over the shrinking space for civil society, and specifically highlighting the targeting of drug NGOs at the Committee on NGOs.

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## Endnotes

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18. For a detailed description and criticism of how the Committee works, see: International Services for Human Rights (2017), *A practical guide to the UN Committee of NGOs*, [https://ishr.ch/wp-content/uploads/2015/04/ishr\\_ngo\\_handbook\\_2017\\_eng\\_web.pdf](https://ishr.ch/wp-content/uploads/2015/04/ishr_ngo_handbook_2017_eng_web.pdf)
19. The membership of the Committee on NGOs for the 2017-2022 period is comprised of the following states: Bahrain, Brazil, Burundi, China, Cuba, Estonia, Eswatini, Greece, India, Israel, Libya, Mexico, Nicaragua, Nigeria, Pakistan, Russian Federation, Sudan, Turkey and United States of America.
20. All available on the UN website: <https://www.un.org/press/en/committee-non-governmental-organizations>
21. See website: <https://vngoc.org/>
22. See website: <https://www.facebook.com/NewYorkNGOC/>
23. See list of members: <https://idpc.net/members>
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25. See website: <https://rylkov-fond.org/>
26. Several of these recommendations are taken from the campaign 'Elect to stand up for civil society' by the International Service for Human Rights. For more information on the campaign, see here: International Service for Human Rights, *Elect to stand up for civil society!* <https://ishr.ch/action/campaigns/openthedoor2ngos/> [accessed: 18 February 2022]

## Notes



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## About this Briefing Paper

This advocacy note outlines the barriers to accessing ECOSOC accreditation faced by drug NGOs reviewed by the UN Committee on NGOs during the 2017 to 2021 period. It also provides recommendations for member states committed to ensuring meaningful civil society participation at the United Nations.

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## About IDPC

The International Drug Policy Consortium (IDPC) is a global network of NGOs that come together to promote drug policies that advance social justice and human rights. IDPC's mission is to amplify and strengthen a diverse global movement to repair the harms caused by punitive drug policies, and to promote just responses.

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