

Thank you Mr. Chair, excellencies and distinguished delegates. My name is Dr Penny Hill, and I am addressing you today on behalf of the Australian Civil Society Committee on UN Drug Policy – a committee that includes people who use drugs, clinicians, youth, academia and service providers.

Today, I will outline some of the key issues raised in a recent submission we made to the Committee on Economic, Social and Cultural Rights for Australia's current review regarding human rights obligations in relation to our local drug policies.

We support the UN System Common Position on drug policy, and encourage CND delegations here today follow the recommendations of that Common Position. We also encourage delegations to follow the lead of the UN Human Rights Council and issue resolutions calling for greater attention to the human rights consequences of efforts to control drugs, and we hope to see a specific resolution on this topic introduced in upcoming CND sessions.

In relation to ensuring human rights-based approaches, we make the following five recommendations:

- We urge Member States to remove criminal sanctions and other forms of punishment for low-level, non-violent drug offences, as permitted within the UN drug conventions because criminalisation of drug possession is disproportionate, harmful and counterproductive to the protection of public health and human rights, and impedes access to services whilst increasing stigma and discrimination. For example, Member States must ensure that threshold quantities are designed so that they match the realities of drug use and where relevant, remove any inference of reverse onus of proof for people charged with drug trafficking. Reversals of onus of proof are unacceptable, and go against international legal principles of proportionality as discussed in the Universal Declaration of Human Rights, and is also contrary to the basic principles of law and practice in a democracy
- We urge Member States to address inequities experienced by First Nations communities in relation to drug policies, and recognise all the relevant rights, including to health and life, as acknowledged by the UN Declaration on the Rights of Indigenous Peoples; for example, Member States should encourage the release of community profiling data by police forces, and ensure that the age of criminal responsibility in all jurisdictions is at least 15 years of age.
- We urge Member States to recognise ongoing and substantial barriers to accessing essential medicines for particular groups that experience severe pain, including those in more remote or regional communities, those with a previous or current history of drug use who now require pain management,

First Nations communities, those who reside in custodial settings, and those who are homeless or itinerant.

- We urge Member States to ensure the availability of a full spectrum of harm reduction services, including supporting access to peer-led services, needle syringe programs, opioid agonist therapies, take-home naloxone, safe drug consumption facilities and drug checking services; Member States should act to ensure that these services are available to regional and remote communities alongside metropolitan communities, and to those in custodial settings
- We urge Member States to invest in effective evidence-based prevention and demand reduction strategies that address social and structural factors that have a strong influence on drug related harm, and facilitate voluntary, evidence-based and equal access to drug treatment

When we made our recent submission to the Committee on Economic, Social and Cultural Rights, we were invited to present to the Committee virtually to provide further context to our submission. When the resulting List of Issues was posed to our government, the Committee included many of our suggestions in paragraph 24, and has requested Australia report on measures taken to achieve these.

As Member States, in the context of protecting and not overriding human rights obligations, you must recognise that the purpose of the drug conventions is to protect individuals, families and communities from drug related harm. We urge you to review your drug policies and act to make changes to ensure that practices align with rights-based approaches. We specifically urge Australia, as a signatory to international human rights instruments on behalf of our states and territories, to take on our recommendations and ensure they are reviewed as part of the upcoming mid-term review of our National Drug Strategy. We also encourage Australia to lead a push for decriminalisation of possession of drugs for personal use across all Australian state and territory drug policy jurisdictions to ensure that human rights obligations are upheld in practice and policy.

Our final recommendation is to urge all Member States to abolish the death penalty for drug offences, which is in violation of international human rights. For MS who are already abolitionist, we urge you to vocally oppose the use of the death penalty for drug offences - including naming countries which continue to execute individuals.

Finally, we urge you to work with your respective civil society organisations to ensure that progress is made in ensuring that all drug policies conform with human rights obligations and align with the International Guidelines on Human Rights and Drug Policy. Following this thematic intersessional, we expect discussions on human rights obligations to continue front and centre within CND66, through to the comprehensive stock-taking of progress in 2023, and through to the 2024 Mid-Term Review and beyond.

Thank you.