**CD4PEACE – REPORT OF THE 19thand 20th MEETING OF THE 47TH SESSION OF THE HUMAN RIGHTS COUNCIL (2nd July 2021)**

*On The Interactive Dialogue with the Working Group on Arbitrary Executions*

*All sources used to draft this report can be found* [*here*](https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/47session/Pages/Statements.aspx?SessionId=43&MeetingDate=02/07/2021%2000:00:00)*.*

This session was held on the tenth day of the 47th session of the Human Rights Council as an interactive dialogue session with the Working Group on arbitrary detention where the **Chair Rapporteur of the Working Group on Arbitrary Detention** - **Elina Steinerte** presented their study on Arbitrary Detention relating to drug policies. (Read the full reports [here](https://undocs.org/A/HRC/47/40))

The session included the opening presentation of the **Chair Rapporteur of the Working Group** and several short statements from States and NGOs who discussed the study and contextualised the issue within their own constituencies.

The **Vice President of the Human Rights Council, Yuri Borissov Sterk**, presided over the session. The session began with the statement from **Elina Steinerte** which gave an overview of the study done by the Working Group at the request made by the Human Rights Council in its resolution 42/22 to ensure that upholding the prohibition is therein included as part of an effective criminal justice response to drug related crimes in accordance with international law as well as encompass legal guarantees and due process safeguards.

The statement established that the study aims to ensure that the absolute prohibition of arbitrary intervention as required by international law is included as part of an effective criminal justice response to drug related crimes and that such a response would also encompass legal guarantees. It also highlighted the broad scope of the issues at stake, their interconnected nature and the need to incorporate human rights as a part of the response of all the actors in the various sectors. The study focussed on and provided recommendations in the following areas: 1) How the arbitrary detention in drug related crimes causes disproportionate convictions leading to prison overcrowding and how detention should be relegated to only serious crimes 2) How the war on drugs is causing severe widespread human rights violations 3)How there is a misuse of drug control measures to silence human rights workers, journalists etc. 4)How there is a discriminatory use of drug control measures to isolate minorities like women, LGBTI, those of african descent etc. 5)Drug treatment must be on the forefront and how informed consent and voluntary evidence informed health based services have proved to have a better result than detention or other punishment related measures 6)The importance of the contribution of civil society in aiding these programs for secure drug control that does not compromise on human rights standards.

The **Chair Rapporteur** wrapped up by acknowledging the collaborative efforts set up by the UN agencies, Regional and National organisations and other relevant stakeholders and reaffirming the support of the working group to further such collaborations.

The first session of this Interactive Dialogue ended at this point and was restarted again in the 20th meeting which was presided over by the President of the Human Rights Council - **Nazhat Shameem Khan.** The **President** then opened the floor for the short statements from the following participating countries and organisations (click on the name to access the written statement): [Austria](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36675_47_e532b216_3be5_4286_b900_de0168e915e9.docx), [Barbados](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37853_47_df0d073e_5dad_42c1_9ab6_a1fa54a3a899.docx), [Belarus](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37864_47_608050a7_bfc2_44f5_af6a_ffb4f1a31759.doc), [Cambodia](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37877_47_5c1ddf98_b410_4d99_b9dc_6ff9a8f7520a.docx), [China](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36176_47_0c328b1f_49b9_4f57_b131_3e0adc9e6908.docx), [Cuba](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/35874_47_7f278652_df8e_49de_b0f3_172001f99065.docx), [Egypt](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36442_47_fc5d529c_65f5_4fd9_ad81_f1cad90fbb32.doc), [European Union on behalf of European Union (EU)](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36157_47_d4062071_331f_4102_90e7_95fa287290e7.docx), [France](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/35752_47_0e9a63cf_d40a_4535_90bf_3d4f764f5d39.docx), [Georgia](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36863_47_57c22af3_e163_4242_bb6a_1cab27a3f1b3.docx), [Indonesia](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/35701_47_1f02e47b_57da_4d56_8e6c_98f2e7743508.docx), [Latvia on behalf of Nordic-Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden)](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37741_47_c8bfbb73_1f41_489d_bc37_67d59881dea2.docx), [Libya](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/35596_47_db484071_62fc_44ca_b208_1c0e6cee7f2d.docx), [Malaysia](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36617_47_8e6f9e2e_61a3_4d85_bb02_b4abb94e8027.docx), [Panama](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37836_47_616785b5_ad8d_4d4d_9baa_05bf3c8143b4.doc), [Philippines](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37107_47_72e20dc0_104e_4ef7_9938_75e3196f4019.docx), [Portugal](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/35675_47_226e9f59_83b4_4c3e_aaae_2916bd6d1f3c.docx), [Russian Federation](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/37080_47_422a129d_741a_4c97_8251_470c5a894e56.docx), [Saudi Arabia](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36539_47_ddbe88b5_54f6_46d3_a503_6c54b4c83d15.docx), [Singapore](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36463_47_98f49855_bf12_4696_a35b_ab227309b0cd.docx), [United Kingdom of Great Britain and Northern Ireland](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36909_47_78d2a569_177e_4395_911d_e61cd503cad5.docx), [United States of America](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/SP/36414_47_5c907d06_ff5a_4c2a_a146_a570e2fe2932.docx).

A marginal majority of the countries expressed their appreciation of the study done by the Working Group and pledged their support for aligning with the recommendations specified by the Chair Rapporteur. They condemned the disproportionate sentences of drug related detentions and agreed to strive towards ending arbitrary detention as well as taking steps towards ensuring a treatment based approach for dealing with drug consumption and addiction. Some of the country representatives including those of **Portugal**, **Malaysia** and **Austria** among others reported the programs that their countries have undertaken to ensure a balanced approach to drug control measures that take human rights into account. However multiple countries vehemently disagreed with some of the findings and recommendations of the study. Countries like **China, Cuba, Saudi Arabia, Philippines, Russia, Belarus and Pakistan** expressed their discontent with the findings of the Working Group. **China and Belarus** expressed their concerns that the report was not impartial and had negative intentions particularly directed at certain developing countries while ignoring the situation in the more developed countries. **Pakistan** pointed to the idea that the report was using a tunnel-vision approach by only observing the human rights violation faced by the drug user, thus ignoring the multiple levels of drug trafficking, production etc that would require criminal proceedings. **Saudi Arabia and Cuba** echoed similar sentiments in terms of the need to hold drug usage and drug dealings as criminal offences and reiterated that drug control is a part of the crime control mechanism and not that of human rights.

The **Chair Rapporteur** then responded to some of the questions and comments posed by the country representatives. She responded to concerns regarding the consultation process speeding into the preparation of the study by stating that the questionnaire that was sent out to the countries for written submissions related to the study in February of 2020 had to be extended till the summer of 2020 due to the restrictions posed by the pandemic. She also reported that overall 21 states, 6 national Human Rights Institutions and 27 Civil Society organisations had sent in their written submissions. She then reiterated the Working Groups stance that there must be an absolute prohibition of arbitrary deprivation of liberty and the safeguards that prevent such instances must be available to everyone including those who are arrested, detained or charged with drug related offences.

The following NGOs also made statements bringing light to the issues of arbitrary detentions in certain regions: [Amnesty International](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39430_75_26d9f91e_700b_496d_9e7a_de6c261fbe4d.docx), [Asia Pacific Forum on Women, Law and Development](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/40742_75_b2462c78_c6c5_4603_8ae8_b4b13c1b7709.docx), [Asian Legal Resource Centre](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/40148_75_da5b17b8_036e_4772_bc2a_87bd7b58f50f.doc), [Centro de Estudios Legales y Sociales (CELS) Asociación Civil](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39366_75_5faae120_57f0_401d_9dcb_177984971725.docx), [CIVICUS - World Alliance for Citizen Participation](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/40216_75_aa29c22e_6231_400c_9b15_d2deeec91f79.docx), [Commission of the Churches on International Affairs of the World Council of Churches](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39792_75_2237e37d_bcce_4f08_afd7_f2b4f35d2c4e.docx), [Conectas Direitos Humanos](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39615_75_1ba7b2e8_51df_43da_9971_8441ef919d29.docx), [IDPC Consortium](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39242_75_c63372bc_9321_4944_86c5_c3ff6e7e7e88.docx), [International Harm Reduction Association (IHRA)](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/39227_75_d4a08f6f_59d6_4936_b7d8_c96155026b15.docx), [Rencontre Africaine pour la defense des droits de l'homme](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/43/NGO/40512_75_bc626748_dea9_4d65_8daa_3f1c03720bbd.docx).

The **Chair Rapporteur** then concluded the session by thanking the civil society representatives and all the stakeholders. She then reiterated some of the findings in the study including how the war on drugs had resulted in a severely disproportionate increase in incarceration and human rights violations. She further proclaimed that the study showed no evidence that the practices in compulsory drug detention centres showed improvement in drug dependent people and that the relapse rates in such cases were high. She noted that such relapses were low in cases which included voluntary participation in programs that included evidence and rights based services by health care professionals. The **Chair Rapporteur** finally highlighted the need for embracing the cross cutting approach to drug policies noted in the study which underscores the central role of human rights and the recommended multilevel response from the wide range of stakeholders.

### Composition of the HRC:

