


Sustainable drug policy respectful of human rights


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Human rights dimension in drug policy gains prominence

- Increased attention to drug-related harms
 - Negative consequences of prohibition
 - World-wide media attention
 - Civil society engagement
 - Cost-benefit thinking
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Sources of human rights

Various political and legal opinions!

- Political Declarations → not binding
 - Int'l conventions → binding governments
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 - National legislation → rights
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Universal human rights

Consensus in international law and policy:

Right to life

Protection of human dignity

Protection of health

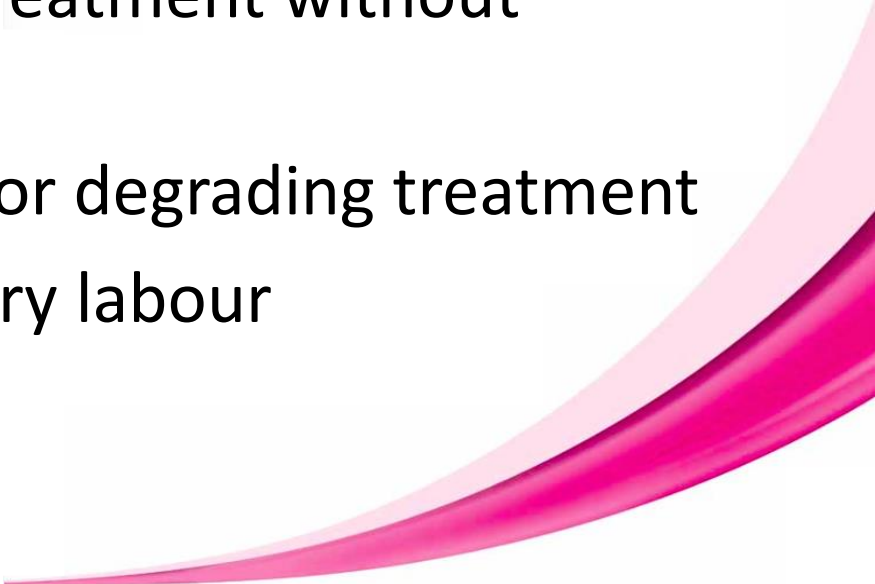
Non-discrimination

Prohibition of torture

Freedom of speech

Freedom of assembly

Rights specifically relevant to drug policy enshrined in Council of Europe Conventions


- The right to equitable access to health care
 - The right to information about one's health, including the right not to be informed
 - The protection of personal data concerning health
 - The prohibition of medical treatment without consent
 - The prohibition of inhuman or degrading treatment
 - The prohibition of compulsory labour
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Civil society participation

Freedom of speech

Freedom of assembly

“All citizens have the right to make their opinions known and are allowed to form, support and join political parties and pressure movements to effectively enjoy to their rights to make their political thoughts known.”




General legal principles

Human rights entail
restrictions
and
positive obligations
for governments



The challenge

The challenge for governments is to ensure that their drug policies are *effective in the guaranteeing of rights* and *effective in meeting their aims.*

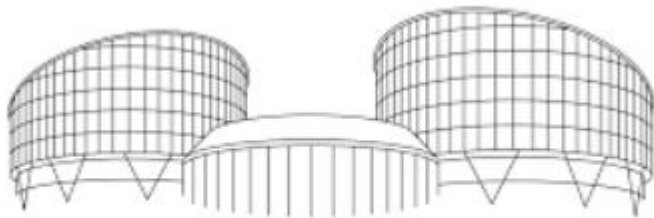


The answer

“A fair balance between the demands of the general interest of the community and the protection of the individual’s fundamental rights”


3 key principles

- **Proportionality and drug control policies:**
the balance between the common interest of society and the individual's fundamental rights'
- **Right to Health and 3AQ Framework:**
Available, Accessible, Acceptable and of Sufficient Quality
- **Principle of equivalence of care in prisons**



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

The '3AQ' framework :

- **Availability**= existence in sufficient quantity of health services
 - **Accessibility**= ability of people to benefit from services.
 - **Acceptability**=ethically appropriate and human rights compliant services
 - **Sufficient quality** = not arbitrary and based on medical and scientific evidence.
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Protecting health: a positive obligation

The principle of equivalence

- Detention is the punishment for the crime, not the worsening of health.
- A person should not leave State custody in worse health than before entering detention because of poor conditions in the facility.

Human Rights are cost-effective

Discrimination → social exclusion → unemployment

Lack of harm reduction → individual and public health risks

Inadequate treatment → co-morbidities, relapse

Disproportionate sentencing → criminal careers

Not listening to civil society → inadequate services

.....etc, etc

= increased human, social and financial costs

The new 'balanced approach'

Controlling the risks

and

retaining our rights:

drug policy for the common good

= Sustainable drug policies respectful of human rights

pghumanrightsapp.com

HUMAN RIGHTS IN DRUG POLICY: A SELF-ASSESSMENT TOOL



A further contribution by the Pompidou Group to bring Human Rights to the forefront of drug policies



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